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PROCEEDINGS AND DEBATES OF THE 105th CONGRESS, FIRST SESSION

SENATE—*Tuesday, June 2, 1998*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

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

Holy Spirit of God, the greatest Counselor in the world, we open our minds, hearts, wills, and bodies to the infilling of Your power. Infinite Intelligence, grant us power to understand Your solutions to our problems. Unlimited Love, fill our hearts with healing love from which deeper affirmation of others may flow. Liberating Spirit, set us free from the bondage of our wills that makes us so intent on what we want that we miss the guidance You have for us. Artesian Strength, energize our bodies for the arduous pressures of the day ahead.

Spirit of the living God, fall afresh on us. Peel back the icy fingers of the fist of fear that hold our hearts in the grip of grimness, that make us cautious when faced by great challenges and cause us to be timid in life's testing hours. Spirit of life, help us pull out all the stops so You can make great music of joy in our souls. Radiate Your hope through us. Make us positive people who are expectant of Your best for us and our Nation. Give us the authentic charisma that comes from Your grace gifts of wisdom, knowledge, discernment, and love. And so, lead on! This is the day that You have made. We will rejoice and be glad in You! Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader is recognized.

Mr. HAGEL. I thank the Chair.

SCHEDULE

Mr. HAGEL. Mr. President, for the information of all Senators, today the Senate will be in a period of morning business until 10 a.m. Following morning business, the Senate will resume consideration of S. 1415, the tobacco legislation, with several amendments pending. It is hoped that those amendments can be dealt with in a timely fashion so that remaining amendments to the tobacco bill can be offered and debated. The Senate will recess today from 12:30 until 2:15 to allow the weekly party caucuses to meet.

Under a previous order, at 4 p.m., the Senate will begin 2 hours of debate equally divided on the motion to proceed to the nuclear waste bill. At 6 p.m., the Senate will vote on the motion to invoke cloture on the motion to proceed to the nuclear waste bill. Further votes could occur following the cloture vote on amendments to the tobacco legislation or any other executive or legislative items cleared for action.

As a reminder, the majority leader has announced there will be no session of the Senate tomorrow, Wednesday, June 3, in honor of the passing of our former colleague and friend, Barry Goldwater.

I thank my colleagues for their attention.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. HUTCHINSON). Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10 a.m. with Senators permitted to speak for 5 minutes each.

Under the previous order, the Senator from Nebraska, Mr. HAGEL, is recognized to speak for up to 10 minutes.

Mr. HAGEL. I thank the Chair.

GLOBAL RELATIONS

Mr. HAGEL. Mr. President, I returned Sunday night from a 9-day trip to Turkey and central Asia. I would like to share with this body and my colleagues some observations from that trip and of the last year and a half.

There are dangerous and serious events and conflicts occurring all over the globe today. The most urgent and most immediate has occurred in Pakistan and India, but beyond Pakistan and India, beyond the subcontinent of Asia, we find a continuing problem with the Asian financial crisis throughout Southeast Asia, IMF funding, China MFN status, China technology sales, Russia-Japan economic trouble. We are in terrible trouble in the Middle East peace process, probably at its lowest ebb since the process began; Bosnia-Kosovo, east Africa, central Asia where there is fighting now in the northwest corner of Georgia; Azerbaijan and Armenia are at war over Nagorno-Karabakh, and other areas of the world that are of great concern to the stability and concern of the world.

These situations are all connected. We must develop a foreign policy that captures the completeness of this interconnect. We also must tone down our rhetoric and speak and act responsibly. Actions have consequences. Words have consequences. Words have consequences especially overseas. We are seeing a geopolitical, military, and economic structure shift like the world has never seen. With diffusion of power across the globe, stability and security and peace with new alliances and new alignments become critical to our future, the future of the world.

One element of our foreign policy—sanctions—needs to be reviewed. Sanctions without our allies' support do not work. We are living in a different world. Sanctions are of limited value. Withholding MFN status from China accomplishes what. Withholding additional IMF funding accomplishes what. We will soon be debating in this body religious persecution legislation to accomplish what. We are playing a very dangerous game here. Isolating ourselves where we have very little leverage over other countries and isolating other nations by driving them further away makes no sense to our national interests and the interests of the world.

This may be the most important time since World War II when a strong

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

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bipartisan, a strong bipartisan American foreign policy is required. The world has changed at a rate unseen and unparalleled in the history of man. This complicates how we deal with crises and problems and relationships. Technology and communications have changed the dynamics of the world. We must bring together the world's interests—not at the expense of national sovereignty. America's strategic triad for the next century is a strong national defense, a strong trade and foreign policy, and a strong economy. And I will have more to say about that later.

Congress must be very careful in what we say and what we do as we proceed along a very dangerous path. We must be careful not to weaken or neuter the President in front of the world. The world is very dangerous and unpredictable. Congress must not micromanage foreign policy. I have been as outspoken as any Senator on this floor about the concerns and the differences I have with this administration on foreign policy. It is the responsibility of the Senate to question that, to probe that. But we have to understand that whatever we say and do has consequences, reverberations, ramifications. America must speak to the world with some sense and some semblance of unity. We cannot allow our foreign policy to unravel before the eyes of the world during a very dangerous time. The world needs American leadership, consistency, presence and engagement. Without it, without American leadership, the world becomes an even more dangerous place.

America must show the world that it is resolute about its basic beliefs and freedoms and human rights and God-given rights. But we must do it smartly, effectively, and with the objective of realistically and truly changing the world for the better. Not headlines, not resolutions, not campaign promises, but understanding what this arch is about: to get on the other side of true change, to alter the behavior of totalitarian, authoritarian governments. America will find itself isolated in the word if we continue to moralize to others and force every aspect of our lifestyle and our way of life on others as a blueprint for their lives and societies.

Again, Congress must be very careful as we proceed. Nations, like individuals, lead by example and force of character.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. SANTORUM). Without objection, it is so ordered.

DEVASTATING STORMS IN MICHIGAN COMMUNITIES

Mr. ABRAHAM. Mr. President, yesterday I toured the Michigan communities of Walker and Merrill, two of the cities in Michigan which suffered considerable destruction from severe storms that swept through our State on Sunday. These storms devastated communities ranging from Grand Traverse County, which is up in the northwest part of our State, to Kalamazoo County, which is in the southwest part of our State, as well as from one side of the State, the west side, all the way across to Wayne County in southeastern Michigan.

According to the latest count, four people were tragically killed as a result of these storms. Thunderstorms, with winds of more than 90 miles per hour, knocked out power to over 860,000 homes and businesses. As of last night, more than 300,000 were still without power. School districts in Oakland and Macomb Counties closed schools because they had no power. In Walker, MI, which I visited, the local officials told me approximately 60 people had been injured. Estimates of the costs are still coming in. In the village of Spring Lake in West Michigan, for example, the village manager has estimated millions of dollars in private and public losses.

Having seen firsthand the destruction wrought by this severe weather, I would like to say two things. First, as an elected official, I pledge to do everything I can to make available all possible resources of the federal government to those who need help. Second, as a citizen of Michigan, my thoughts and prayers are with the friends and families of those who lost their homes, and especially those who lost their lives.

Today I will contact with the head of the Federal Emergency Management Agency (FEMA). My first priority is to deliver to FEMA a damage assessment and formally request that the federal government move forward in helping these communities. In the difficult days ahead my offices in both Washington and Michigan will offer assistance to all who need help in the complex process of securing federal aid.

While touring Walker and Merrill I witnessed awesome destruction; entire properties—farm barns and homes—were reduced to rubble by the forces of Mother Nature. However, the greatest impression left upon me came from talking with government officials, emergency workers, local volunteers and affected residents. Every individual I encountered exhibited the same optimistic determination to recover and to rebuild. It is my intention to make certain the federal government is a proactive partner in this effort.

I yield the floor.

PACIFIC LINK INTERNATIONAL EXCHANGE STUDENTS

Mr. ASHCROFT. Mr. President, I rise today to commend a student program, the Sino-American Youth Conference, sponsored this summer by Pacific Link International Exchange Students (PLIES). PLIES is a Christian ministry with the worthy goal of providing a cultural experience in the United States to students from the People's Republic of China.

Student from China have long studied in the United States, and the exchange of young people between our two countries has done much to increase our mutual understanding and to advance liberty in China. PLIES hopes that its hosting of the Sino-American Youth Conference in Washington, D.C. this summer will continue that positive tradition of exchange by allowing Chinese students to witness first hand the workings of democracy in our nation's capital.

Young people from China and the United States will be shaping the future of both of their respective countries. The exchange of ideas and the building of friendships facilitated through the PLIES program will benefit China and the United States in the years ahead.

The staff of PLIES are to be congratulated for their work in China and their commitment to furthering dialogue between our two countries. I extend my welcome to the students from China participating in the PLIES program. May your time in the United States be fulfilling and beneficial.

HONORING THE 50TH ANNIVERSARY OF THE RELATIONSHIP BETWEEN THE 27TH INFANTRY REGIMENT "WOLFHOUNDS" AND HOLY FAMILY HOME OF OSAKA, JAPAN

Mr. AKAKA. Mr. President, I rise to pay tribute to the 27th Infantry Regiment "Wolfhounds" for their 50 year relationship with the children of Holy Family Home of Osaka, Japan. This relationship is a symbol of the friendship and cooperation we have with the Japanese people. It has played an integral part in our lasting relationship with Japan and is a story that deserves to be told.

Fifty years ago, Catholic nuns from the Sisters of Charity of St. Vincent de Paul stood hopeless in the streets of a battered, war-torn Osaka, Japan, selling buttons and trinkets to the incoming occupation force soldiers in exchange for food. They were trying to keep orphaned children, who were living in abandoned, shabby, cold barracks, alive during most difficult conditions. Several Wolfhound regiment soldiers, including my friend Sergeant Hugh O'Reilly, saw the sisters' dedication and dilemma and took the news back to their headquarters. The men

quickly organized to provide relief for the children.

Over the next few months, the soldiers used materials from the occupation forces to build facilities, collected money to feed the children, and began to cement this lasting relationship. Interested in doing more for the orphanage, Sgt. O'Reilly coordinated support from his unit for the Christmas holiday of 1949. This marked the beginning of the current relationship. Later, Sgt. O'Reilly began collecting money on a regular basis to improve living conditions for the children. Every week the collection grew, eventually averaging $3,000 a month. When the 27th Infantry deployed to Korea in 1950 the collections continued, to the surprise of the Sisters of Charity. The funds received during the years of occupation duty and the Korean conflict helped build the orphanage complex that greatly improved the lives of the children.

The 27th Infantry's generosity to the orphanage brought much public attention to the unique relationship the regiment had with the orphanage. In 1955, Hollywood produced the film "Three Stripes in the Sun," which detailed Sgt. O'Reilly's efforts to assist the orphanage. In 1957, the Wolfhounds invited two children from the orphanage to come to Schofield Barracks in Hawaii, thus beginning the tradition that continues to this day. This month, on June 8, two more orphans will be making their first trip to Hawaii.

Another tradition began the following year, when the Wolfhounds sent two "Soldiers of the Year" to the orphanage during Christmas to act as "Father Christmas." They visited the orphanage in Osaka, bringing gifts and companionship during the holidays.

These visits have been made possible largely by the generosity of a special individual, Mr. Akio Aoyama, an industrial leader in Japan. He recognized the benefits of improved United States-Japan relations that the orphans' relationship with the American regiment would foster. He has donated $10,000 each year to help offset the costs of travel, lodging, and other functions during the orphans' annual pilgrimage to the Wolfhounds in Hawaii.

Sgt. O'Reilly is the Wolfhounds honorary sergeant major and lives in Hawaii with his wife, whom he met at the orphanage. I would like to thank and commend him and the Wolfhounds for their untiring dedication and love for the children of Holy Family Home. Whether it be defending our country during times of war or promoting goodwill in peace, I know the soldiers of the 27th Infantry Regiment will endure. We all say thank you for a job well done and wish you continued success in the future.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, June 1, 1998, the federal debt stood at $5,495,092,820,910.61 (Five trillion, four hundred ninety-five billion, ninety-two million, eight hundred twenty thousand, nine hundred ten dollars and sixty-one cents).

Five years ago, June 1, 1993, the federal debt stood at $4,304,847,000,000 (Four trillion, three hundred four billion, eight hundred forty-seven million).

Ten years ago, June 1, 1988, the federal debt stood at $2,546,681,000,000 (Two trillion, five hundred forty-six billion, six hundred eighty-one million).

Fifteen years ago, June 1, 1983, the federal debt stood at $1,312,535,000,000 (One trillion, three hundred twelve billion, five hundred thirty-five million).

Twenty-five years ago, June 1, 1973, the federal debt stood at $456,386,000,000 (Four hundred fifty-six billion, three hundred eighty-six million) which reflects a debt increase of more than $5 trillion—$5,038,706,820,910.61 (Five trillion, thirty-eight billion, seven hundred six million, eight hundred twenty thousand, nine hundred ten dollars and sixty-one cents) during the past 25 years.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

NATIONAL TOBACCO POLICY AND YOUTH SMOKING REDUCTION ACT

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

The assistant legislative clerk read as follows:

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

The Senate resumed consideration of the bill.

Pending:

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

Gregg/Leahy amendment No. 2434 (to amendment No. 2433), in the nature of a substitute.

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

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

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

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, lately we have heard a lot of hyperbole from the opponents of tobacco legislation, particularly regarding the notion that the bill should be killed because it concocts new bureaucracies. Last week, one Senator gave the number of 17 new bureaucracies and another said 30 new bureaucracies; and the Senator from Missouri used a very busy chart diagraming previous tobacco legislation which, unfortunately, did not represent the measure we are debating. The industry is certainly determined that this is an effective tool to divert the issue in trying to kill the bill.

Interestingly, Mr. Goldstone, the CEO of RJR, has been passing out the outdated diagram that was manufactured by one of our colleagues, a development I find to be quite curious and rather discouraging. It is the type of thing that reinforces the public's perception about the relationship between the Congress and the tobacco industry. In fact, Mr. President, Mr. Goldstone was out in my home State of Arizona to speak to a local civic club and passed out this same chart to many of my constituents, of course, whom I do not expect to know that that chart was outdated when it was printed. But it is an interesting symbiotic relationship that is developing between the opponents of the bill and the tobacco industry.

So, Mr. President, we developed a little chart here of our own. It does not take enormous skills—you do not have to be a genius nor be employed at the space agency to figure out a chart. But I thought it would be enlightening to my colleagues to look at a chart that has to do with what exactly happens when we do not pass tobacco legislation—I emphasize "when we do not."

Of course, we begin with tobacco campaign contributions, which have been $30 million since 1987 to the U.S. Congress. Now, if we stopped at tobacco legislation there, a result of inaction would be—the number of kids who are smoking is up 32.4 percent since 1991. The average young person smoker begins at age 13, and 90 percent of our adult smokers in America begin before the age of 18. That might help my colleagues understand better why we are trying to attack the problem of youth smoking.

Adult smoking, that costs a lot of money to us who do not smoke. In fact, it is $50 billion a year in increased taxes on nonsmokers as well as smokers to pay for Medicare and Medicaid bills that are incurred as a direct result of treating the illnesses associated with smoking.

Again, I think it is important to remember, 90 percent of the adults who smoke in America began before the age of 18. That is why the critical focus is

on kids smoking. Ten million smoking-related deaths have occurred since the first Surgeon General report was issued in 1964—10 million.

Mr. President, I have a chart around here someplace, which I will show later on, which shows the relationship between tobacco-related illness and all other causes of death in America. Smoking-related deaths are by far—by far—the highest. So when my colleagues say, "Then you are going to move on to alcohol and hamburgers, and then you are going to move on to whatever," they may; I cannot predict the future; but I can argue that if you just looked at the number of smoking-related deaths in America, you would see that they dwarf all other causes themselves.

And 430,730 deaths, or 20 percent of all deaths in America—430,700 deaths, 20 percent of all deaths in America, are, guess what, smoking-related deaths. Premature deaths of smokers who are under age 18, in 1995, were 5 million. The combined potential life lost is 64 million years. And one-third—one-third—of all deaths by cancer in America are attributed to tobacco.

Mr. President, these are not my figures; these are the Surgeon General's, the Centers for Disease Control's, and other Government and nongovernmental organizations.

And there are 136,000 lung cancer deaths every year. There are 136,000 lung cancer deaths every year. Mr. President, that should be disturbing enough. But what is more disturbing is that youth smoking is on the rise in America—not on the decline, it is on the rise. If 136,000 people are dying of lung cancer every year and there are 430,700 deaths every year, those deaths eventually are going to go up. And your taxes are going to go up. The American people's taxes are going to go up, because we have to pay to treat the tobacco-related illnesses.

So when I keep hearing this malarkey about a big tax bill, my friends, we are paying a big tax bill as we speak, a huge tax bill, that is going to get a lot bigger if we do not attack this problem.

So I would ask my colleagues who keep buying and parroting the tobacco advertisements—according to the New York Times, now $60 million has been spent—please keep in mind the big tax bill that is paid every day of every year in this country to treat tobacco-related illnesses, not to mention the big human tax that results from premature death. Every day, today—today—3,000 kids will start to smoke, and 1,000 of them will die early. One thousand of them will die from lung cancer—emphysema, pneumonia, influenza, and other terrible causes of death.

There are 200,000 heart disease deaths per year. One-fifth of all the deaths attributed to heart disease are directly attributed to tobacco. There are 90,000 coronary heart disease deaths a year.

There are 3,000 lung cancer deaths a year due to secondhand smoke. There are 84,000 lung disease deaths every year, from pneumonia, influenza, bronchitis and emphysema, and 90 percent of all emphysema cases in America—90 percent—are attributed to smoking—90 percent.

Mr. President, one of the most heartwrenching things I have ever seen in my life is to go down to the VA in Phoenix, AZ, and see veterans outside, because they are no longer allowed to smoke inside, sitting outside with oxygen tanks and taking the mask away and smoking a cigarette. Mr. President, if there was ever a living, breathing example of the addictive aspects of nicotine, it is that terrible sight.

And 163,100 fires were caused by smoking in 1992. That is the latest information we have on that. And 2,000 deaths were caused by smoking-related fires.

Mr. President, that is the result of inaction on the issue of tobacco. That is the result. I will not go through them again, but I think it should be pretty compelling. So 430,700 deaths, or 20 percent of all deaths for all other causes, are directly related to smoking and tobacco.

The American taxpayer, Mr. President, through the costs of Medicare and Medicaid—the tobacco-related costs are $130 billion, and the health care costs alone are $50 billion; that is Medicaid, Medicare, private health insurance and small business insurance.

Loss of economic productivity is $80 billion. Smokers cause $501 billion in excess health care costs in America.

Maternal smoking costs in medical expenditures are $661 million, and 6,200 children die every year as a result of parents smoking. Forty percent to 60 percent of children's asthma, bronchitis, and wheezing is due to secondhand smoke—an extra 160,000 cases of asthma and an extra 79,000 cases of bronchitis, and an extra 172,000 cases of wheezing.

Prenatal smokers raise health care costs by $175 extra per child under the age of 2, and smoking-related fires cost $500 million. Complicated births, $1 billion per year. Pregnant women smokers are 50 percent more likely to have a mentally handicapped child. Prenatal smokers cause 48,000 low birth weights per year. Between 150,000 and 300,000 children under 1½ years must be hospitalized for secondhand smoke: bronchitis, pneumonia, ear infection, and asthma. Developmental difficulties for complicated deliveries in low-weight babies costs $4 billion a year for children of women who smoke.

There are two enormous costs associated with smoking and tobacco use in America. Both of them are pretty compelling. One, obviously, is the huge number of deaths, 20 percent of all the deaths in America that are attributed to it. And the problem is not getting better; it is bound to be getting worse. Of course, these enormous costs go to the taxpayers, as well.

When we are arguing this debate, and sometimes it gets a little emotional, I think we ought to keep in mind what we are talking about here. It is a compelling and very emotional situation when so many young Americans are afflicted with this addiction.

In Arizona, State medical costs, total medical costs from tobacco are $559 million; Pennsylvania, $1.982 billion. Those are the total medical costs, as a result of tobacco, to the States.

Mr. President, according to the New York Times on May 22:

> More than a third of high school students who try cigarettes develop a daily smoking habit before they graduate, the Government said today.
>
> In a survey of more than 16,000 students nationwide, nearly 36 percent who had ever smoked said their smoking had escalated to at least a cigarette a day, the Centers for Disease Control and Prevention said.
>
> Nearly 73 percent of the students with a daily habit said they had tried to quit. Of those who tried to quit, 13.5 percent were successful, the agency said.
>
> Seventy percent of students surveyed said they had tried cigarettes at least once. The percentage is probably higher among teenagers over all because the survey did not include dropouts [Mr. Eriksen said]. Previous studies had estimated that 33 percent to 50 percent of people who experiment with cigarettes become regular smokers.

I just went through the costs per State of tobacco costs. Probably far more compelling than that is the number of kids currently under 18 who will die prematurely from a tobacco-related disease. In my home State of Arizona, 98,516 children will die prematurely—98,516. That is a lot of young people. I think that, obviously, we have an obligation to do something about it.

Title I of the bill provides the Food and Drug Administration with authority over tobacco, tobacco products, and nicotine. The FDA is not a new bureaucracy. It is a fairly old agency with an important mission that most Americans fully support—to protect public health and risk to our food supply, drugs, and other substances ingested into the human body, including cigarettes. The FDA already serves as authority over cigarettes under their current power, something in large part upheld in the courts. This was not made up by the bill's authors. In fact, the industry agreed to broad FDA authority over tobacco products last June. So those who argue that this bill grants large, huge new powers to the FDA, please remember, as in many other aspects of this bill, it was modeled after the June 20 agreement last year between the tobacco industry and the 40 attorneys general themselves. It provided broad new authority over tobacco products, as does this bill.

What nefarious activities will the FDA undertake with authority over tobacco—which I reemphasize the industry agreed the FDA should exercise?

First, the FDA will oversee ingredients to ensure that cigarettes are not adulterated with "putrid or poisonous substances." Most Americans, including smokers, don't like the idea that tobacco companies have put additives such as ammonia into cigarettes to increase addictiveness. Two, the FDA will oversee branding to ensure health and other claims are true, establish youth access rules, and oversee marketing to stop appeals to children, accept performance standards to better protect health without creating demand for contraband, and medically assist the developing and marketing of safer tobacco products.

The courts have already upheld that the FDA has most of these authorities under current law. This bill wisely places those authorities into a separate body of law so that nontobacco foods, drugs and devices are not affected by rules that should be targeted solely to cigarettes and the regulation of nicotine. I want to emphasize, those who worry about the expansion of FDA authority into other products, this is a separate chapter. This is a separate body of law.

I find it curious that those who believe FDA should have no such authority seek greater protection for the tobacco industry than the industry itself which agreed to broad overall FDA oversight last June. So, we are not talking about any new bureaucracies here.

Title II sets underage tobacco use reduction targets. Again, not something concocted by the bill's authors. The targets are the same as what the industry agreed to last year, entailing no new bureaucracies.

Part (b) of title II establishes a State retailing licensing program with respect to tobacco products. Retail licensing was requested by the 40 States attorneys general and agreed to by the industry last June. It is designed to hold sellers accountable and to better enforce the prohibition in every single State against selling tobacco products to minors.

According to the Centers for Disease Control, 256 million packs of cigarettes are illegally sold each year to underage youth—the same youth that the industry so vigorously targeted in its marketing. Representatives of the National Association of Convenience Stores have assured me they support licensing. They don't want bad actors selling to kids, and licensure, in the same manner we do with alcohol, is a means of achieving that goal.

This brings me to another aspect of the attack on this bill, and that is the issue of black market and contraband. Why is it we are able to pretty well prevent, if not totally eradicate, black market or contraband as far as alcohol is concerned? One of the major reasons is because we license the sale of alcohol. So those who are concerned about the increase in contraband, the so-called black market, might support rather than oppose this bill because of the licensing provisions associated with it.

Earlier I submitted for the RECORD a letter from the Convenience Store Association expressing no opposition to this legislation. I also submitted a letter from the National Governors' Association expressing appreciation that the licensing program is flexible. It respects States rights and is paid for by the tobacco bill. We have heard much scorn and outrage expressed about the licensing provision, even though it is basically the same mechanism in place for alcohol sales. Do Senators who find tobacco licensing to be such an abomination believe we should have one standard for alcohol and another for tobacco when tobacco kills far more people every year and over 90 percent of smokers begin long before they are of legal age? Does it matter that over a quarter of a billion packs of cigarettes are sold to minors every year?

Part (c) of title II provides for the distribution of tobacco money for smoke cessation and prevention activities by the Secretary of Health and Human Services. HHS already has an office of smoking and health—not a new bureaucracy. Over 90 percent of these moneys are block granted to the States and will use existing public and private nonprofit organizations—not new bureaucracies.

Do the opponents of this bill and those opposed collectively to settling the State suits truly believe we should not provide smoking prevention and cessation activities?

Again, these are the essential elements of stopping 3,000 kids a day from taking up a habit that will kill a third of them—activities that the industry agreed to and that were contemplated in the June 20 agreement.

Mr. President, I want to emphasize again that every public health group in America and every living Surgeon General back to 1973—every expert in the Centers for Disease Control and the National Institutes of Health—every single one of them says that if you want to stop kids from smoking or reduce the number of children who smoke in America, you have to have a comprehensive approach. Part 1: Raise the price of a pack of cigarettes which, by the way, the tobacco industry agreed to last June 20—not as much as contemplated in this bill, but they agreed to it. The second is active cessation programs. You can't do that without a comprehensive bill.

Mr. President, there is an organization of people called the ENACT Coalition. They are a major public health organization; they formed a coalition called ENACT to promote effective national action to control tobacco. This growing coalition has pledged to work with Congress and the administration, the public health community, and the American people to pass comprehensive, sustainable, effective well-funded national tobacco legislation.

Mr. President, let me tell you who is in this coalition. They are the Allergy and Asthma Network; American Academy of Child and Adolescent Psychiatry; American Academy of Family Physicians; American Academy of Pediatrics; American Association of Respiratory Care; American Association of Physicians of Indian Origin; American Cancer Society; American College of Cardiology; American College of Chest Physicians; American College of Occupational and Environmental Medicine; American College of Physicians; American College of Preventive Medicine; American Dental Association; American Heart Association; American Medical Association; American Psychiatric Association; American Psychological Association; American School Health Association; American Society of Anesthesiologists; American Society of Clinical Oncology; American Society of Internal Medicine; Association of American Medical Colleges; Association of Black Cardiologists; Association of Maternal and Child Health Programs; Association of Schools of Public Health; Association of State and Territorial Health Officials; Association of Teachers of Preventive Medicine; Campaign for Tobacco-Free Kids; Children's Defense Fund; College on Problems of Drug Dependence; Community Antidrug Coalitions of America; Council of State and Territorial Epidemiologists; Family Voices; Federation of Behavioral, Psychological and Cognitive Sciences; HMO group; Inter-religious Coalition on Smoking and Health; Latino Council on Alcohol and Tobacco; National Association of Children's Hospitals; National Association of County and City Health Officials; National Association of Local Boards of Health; National Hispanic Medical Association; National Mental Health Association; Oncology Nursing Society; Partnership for Prevention; Society of Public Health Education; Society for Research on Nicotine and Tobacco; Society of Behavioral Medicine, and the Summit Health Coalition.

Mr. President, I would have to submit that this is a fairly reputable and respectable group of experts on the issue of health care in America. This is a very impressive coalition. I have not seen one quite like it. And for us to ignore their plea for a comprehensive settlement, I think, would be a great disservice not only to them, but to the people that they represent.

Surgeon General Koop and Dr. Kessler—and I have a letter from every living Surgeon General, Republican, Democrat, liberal conservative—are saying that we have to enact this bill.

Mr. President, this part of the bill also provides health research money to the National Institutes of Health, the

Centers for Disease Control, and the National Science Foundation, all of which are well-established, respected and world-renowned health research institutions—not new bureaucracies.

We are at a critical stage in history, on the brink of breakthrough treatments and cures and treatments for scourges such as breast and lung cancer, heart disease, and countless other devastating human illnesses. I am sorry that some of my colleagues prefer to ignore the possibilities and opt instead for loaded buzzword attacks to change the subject.

Finally, this title of the bill calls for a comprehensive tobacco counter-advertising campaign, as agreed to by the attorneys general, public health advocates, and the industry last year, and is among the most important weapons in stopping kids from smoking. Every tobacco bill that has been introduced, including alternative measures being prepared by opponents of the pending legislation contemplates a large investment in counter-advertising.

I tell my colleagues that the advertising section does include what some have characterized as a "new bureaucracy." The "bureaucracy" is known as the Tobacco-Free Education Board, a part-time, bipartisan, unsalaried advisory committee designed to help formulate and execute a nationwide antismoking advertising campaign.

So if you want to call that a new bureaucracy, guilty as charged.

The alternative to this advisory panel would be to give millions of dollars to a political appointee to determine, unfettered, how such public appeal campaigns should be designed and executed—powers that neither Republicans or Democrats are eager to hand over to the other.

Even opponents of the bill who have expressed outrage about "bureaucracies" and might otherwise dedicate themselves to ridding the Nation of the terrible burden imposed by a part-time advisory panel probably would not prefer the alternative.

Title III of the bill provides for an array of new tobacco warnings and calls for the public disclosure of cigarette ingredients—something most cigarette smokers deserve and would like to know. Both items were agreed to by the industry and, again, require no new bureaucracies.

Title IV creates a single trust fund to receive and disburse revenues generated by the bill. The fund would be administered by the Secretary of the Treasury—a position that has been in existence since the Nation was founded, and it does not constitute a new bureaucracy. The bulk of the money will go to States to reimburse their taxpayers for Medicaid losses. Half of the State money, which represents the Federal share of Medicaid, may be used on a menu of seven options, from drug-free school initiatives to children's health care, each of which is an existing program—not a new bureaucracy.

Title V contains new standards for exposure to secondary smoke. The 40 States attorneys general who were part of the June 20 agreement called for a mandatory national environmental smoke standard to be enforced federally and by the States. This bill allows the State to opt out of the Federal program if it adopts and enforces its own. The establishment and enforcement of standards can be done through existing agencies—not new bureaucracies.

Title VI of the bill deals with Indian tribes and ensures that reservations don't become a safe haven for youth access to tobacco. Price increasing will affect reservations as they do all other areas of the Nation. This section allows tribes to receive smoking prevention and cessation grants as States—in the same vein that we administer all other Federal grant programs. None of this entails new bureaucracies, but simply fulfills our obligation to tribes and Native Americans to whom the Federal Government has a trust responsibility.

Title VII, as amended, contains various civil liability provisions, including an initiative that assists individual plaintiffs in seeking and obtaining just commendation—no new bureaucracies.

Title VIII calls on the industry to submit an annual report on how the companies are meeting their obligations under this act in the State settlement decrees, and calls on existing Federal authorities, including the Surgeon General, to evaluate that progress. This section also protects industry whistleblowers from threats and workplace retaliation—not any new bureaucracies.

Title IX calls on the industry to make available to the public documents they have been illegally hiding to avoid disclosure of their misdeeds and data on the health risks of tobacco products. A panel of sitting judges will make determinations on the propriety of attorney-client privilege assertions. Calling on sitting judges to perform a judicial task is not—I repeat, not—a new bureaucracy.

Title X contains the farm provisions which include various grant programs and farm community assistance initiatives. Some feel strongly opposed, but let us not lose sight of the fact that the debate between the LEAF Act and the Lugar alternative is not about whether we will have these assistance programs. It is a debate over how much we will spend on them and whether buyouts should be concluded at a time certain.

Title XI contains provisions related to international marketing, smuggling, and vending machines. In the international arena, the bill calls for multilateral and bilateral agreements regarding tobacco marketing and advertising to kids. These agreements can be consummated through existing authorities—not new bureaucracies.

To address concerns raised by many of our colleagues that our Nation should not simply export the problem of kids smoking to children overseas, this section does authorize an international tobacco control awareness program which is subject to appropriations and, if funded, can operate through existing institutions.

Antismuggling initiatives are also contained in this section, including a call for tobacco package markers to distinguish licensed products from contraband, requiring licensure of manufacturers and wholesalers, and record-keeping for large transactions. Will this entail additional law enforcement activities? I suspect so. But we have heard a number of our colleagues express concern about black market and contraband. These provisions will address those concerns.

Unfortunately, many have not yet grasped the reality that with or without this legislation the cost of cigarettes will increase dramatically. If every State settles under the same terms as Minnesota, we might well anticipate increases of $2 per pack.

The June 20 settlement called for a per pack increase of 65 cents and, I might point out, agreed to by the administration—65 cents. Some of the most vociferous opponents of this bill on the basis of black market and contraband are preparing alternatives that would impose an excise tax of 75 cents per pack. So I trust that antismuggling activities is not among the bureaucracy about which we are hearing.

Also included in this title is a non-Federal, private corporation to reimburse vending machine owners for losses due to banned cigarette machines, a major conduit of tobacco to children. Again, some of those who have decried bureaucracy were among those most adamant about ensuring a mechanism to compensate vending machine owners. We do this without creating a new Federal bureaucracy.

Title XII authorizes appropriations from the trust fund to compensate asbestos victims whose conditions were exacerbated by tobacco use should Congress under separate legislation establish such a process for so doing as the Supreme Court invited. No new bureaucracies.

Title XIII permits the Veterans Administration to sue tobacco manufacturers to recoup the loss for treating veterans for smoking-related illnesses, a power some believe the VA already has and includes no new bureaucracies.

Finally, title XIV contains the process by which those manufacturers that wish to formally settle their State suits must agree to, including the upfront payment, additional advertising restrictions, et cetera, and no new bureaucracies.

So, Mr. President, I hope we are keeping an eye on the ball about what

this is all about in addition to the bureaucracy red herring.

We have heard from opponents who object to this bill because it will increase the price of tobacco. Let us stop kidding ourselves. If we fail to pass this bill, the States will go back to court to win in judgment or settlement what we might more efficiently accomplish with national legislation and the price of cigarettes will increase. It was recently announced by the tobacco companies as a result of the Minnesota settlement there would be an increase in the price of a pack of cigarettes in Minnesota.

The experts say a price increase is a critical component—not the only component but a critical component—in the effort to stop 3,000 kids from starting to smoke. We have heard from opponents who say the bill is about "tax and spend." Providing $195 billion to States in settlement of their cases so that State taxes can be lowered and half of it can be used for a menu of public health-related options agreed to by the Nation's Governors is not "tax and spend."

Do opponents of this bill suggest that we should not dedicate a portion of tobacco settlement money for health research as agreed to in the June 20 agreement? Should we not have additional resources for smoking prevention, cessation, and counteradvertising as agreed to on June 20? Should we not assist tobacco farmers and farm communities that will be affected by changes in tobacco consumption, the same people who have been urged to grow tobacco by the Federal Government for years?

And let me point out that one of the most scurrilous activities of the tobacco industry is to go to the farmers and say that the passage of this legislation will harm you. If they were concerned about the farmers, why is it that in the June 20 agreement they made with 40 attorneys general there was no provision for the tobacco farmers of America—none, not one word. It is remarkable. It is remarkable that they should go to the tobacco farm communities and now oppose this legislation when they had no provision to take care of the farmers in their agreement of last June 20.

Should we not dedicate a portion of tobacco settlement money to assist veterans suffering from smoking-related illnesses when the Federal Government handed out cigarettes in their mess kits?

I ask my friends why we are not talking more about the real "tax and spend" associated with tobacco—tax and spend that tobacco companies impose on the American people every year in the form of $50 billion in smoking-related health care costs including Medicare and Medicaid—almost $455 for every household in America? Every household in America, whether they smoke or not, pays $455 a year in taxes every single year, and that is going up, to treat tobacco-related illnesses.

This is a tax of epic proportion paid by every taxpayer, every hard-working American who must purchase health insurance for his or her family and every small business struggling to provide employees with affordable health care coverage. Do the tobacco companies worry about taxpayers as they entice their "youth market" to begin a lifetime habit that sickens and kills hundreds of thousands a year, the cost of which others must bear? I don't think so. This bill intends to stop some of that and stop it immediately.

We have heard from opponents who say we don't need a comprehensive bill to stop kids from smoking. With all due respect to my colleagues who are so wise and expert in so many areas, prudence and good sense dictates that the Nation take the advice of the experts who maintain unanimously that only a comprehensive bill will address what they refer to as a "pediatric epidemic," including every living Surgeon General, Republican and Democrat, the American Medical Association, and the organizations that I just quoted.

For those who wish to kill this bill, let us examine what we are really talking about. We are talking about 418,000 Americans a year who die of smoking-related diseases, the number one cause of preventable disease and death in America by far.

I had the privilege of hearing a speech by the head of the National Cancer Society who put it into perspective:

> Among a graduating high school class of 1,000, 6 will die from violence, 12 will die from motor vehicle accidents, 250 will die in mid life from a smoking-related disease and another 250 will die later in life but far earlier than necessary from smoking-related illness.

Let me just repeat that.

> Among a graduating high school class of 1,000—

This from the head of the National Cancer Society—

> 6 will die from violence, 12 will die from motor vehicle accidents, 250 will die in mid life from a smoking-related disease and another 250 will die later in life but far earlier than necessary from smoking-related illness.

So I have great respect for my colleagues who oppose the bill, and everybody is entitled to their opinion, but they are not entitled to the facts. It all comes down to this very simple premise: The tobacco companies target kids to sustain their cigarette sales. Kids take the hook; 3,000 a day start the habit, and that number is increasing. Smoking is the single greatest killer in the United States by far. What physicians call a "pediatric epidemic" won't change unless we do something. This bill is a bipartisan opportunity to act. If it fails, the industry will go away happy but the death march will continue. I ask my colleagues, which it is going to be?

Finally, let me make one more additional comment. I know my friend from Massachusetts wants to speak as well.

Mr. President, over the last week or so in the formulation of the highway bill, some very bad things were done to the veterans of America. I am ashamed and embarrassed. These men and women who have served our country deserve better than what they got out of that highway bill. In fact, some of the money earmarked to treat their illness is now going to highways and bridges.

I know that fewer and fewer of my colleagues have had time in the military. Those of us who are a little older have a vivid memory of smoke breaks, of C-rations that contained cigarettes, of the end of the chow line where cigarettes were given out for free. If there is any group of Americans that deserves to be reimbursed for tobacco-related illness, it is the veterans of America.

We used to call, as my friend from Massachusetts recalls, smoke breaks. We would have smoke breaks all the time. In times of tension in combat, cigarettes were smoked for relaxation, for relief of tension. And the Armed Forces and our Government encouraged those men and women in the military to smoke.

At the appropriate time, the Senator from Massachusetts and I, along with the Senator from West Virginia, Senator ROCKEFELLER, who has played a very important role, will propose an amendment to put approximately $3 billion into treatment of veterans for tobacco-related illness. I urge my colleagues to support such a move. We intend to have some debate on that particular amendment, and I believe it should pass overwhelmingly.

Mr. President, I ask unanimous consent that debate only be in order prior to the Senate reconvening at 2:15 today.

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

Mr. MCCAIN. I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I thank my colleague, the Senator from Arizona, for his review of this legislation and for his summary of where we find ourselves today. I also, obviously, particularly thank him for his laying out the important agenda with respect to veterans and what happened in the course of the last week or so. I will join with the Senator, as others will, I know, in trying to remedy that impact, and I am confident that the U.S. Senate will do so.

I also recall, not just the degree to which there was a kind of dependency built into the system that both of us were in in the Navy, but often at the

end of a particular exercise, or General Quarters, the announcement would come over the loudspeaker on the ship saying, "The smoking lamp is lit," and there was this sort of automatic rush to smoke. It was part of the doctrine, if you will—the ethic. And an awful lot of veterans, as a consequence of that and other things, many other things through the course of life, are today suffering. They are suffering as a consequence of that. So I think the Senator is right on target in his desire to address that.

I also thank Senator MCCAIN for his long efforts with respect to this particular bill. In all of the debate on the floor of the Senate, it has been lost that this is a bill that was reported out of committee by a vote of 19 to 1, reflecting a considerable consensus about at least a beginning, a starting place. I think most people would agree, as a reflection of the vote that took place on the floor of the Senate regarding the cap on liability, that the bill which came to the floor moved significantly in the direction that the Senate ultimately decided it wanted to move, by eliminating all of the restraints on class actions and other limitations on liability, with the sole exception of the $8 billion a year. The Senate, in its wisdom, decided to remove that.

But the point is, this is a bill that I think has been improved, at least in its starting point, and hopefully in the next days we can improve it further. I listened carefully to the Senator from Oklahoma last week, and I took the time last night to reread his criticisms of this legislation. I think here and there there were some good points that he made. There are ways, in amendments which I am confident the Senator from Arizona and I and others are willing to accept, that those issues could be remedied. So my hope is that in the next few days we are going to be able to move to do that.

But the most important thing, as we reflect on where we are going, is to remain focused on the positive ways, the constructive ways, in which this bill helps to save children's lives. That is the purpose of this debate. There is not anything else that we are really trying to do here.

There is a reason that there is a tobacco legislative effort taking place. There is a fundamental reason that we have come to the floor of the Senate, recognizing the work of the attorneys general around the country who brought suit because of this. There is a reason they brought suit. There is a reason that the suits are settling. There is a reason the tobacco companies are coming to the table and agreeing to settle those lawsuits. They are settling them and agreeing to do the very things that we are seeking to codify in this legislation, but on a national basis, so we can save time, save money, and save lives. That is the purpose of this legislation.

One cannot ignore the fact that, in Minnesota, if you extrapolate the cost of what the tobacco companies have agreed to in Minnesota, and take that out on a State-by-State basis across the country, you actually have a greater expenditure than you would have under this legislation. So the tobacco companies have accepted, at least in the legal process, what is being fought here in the national legislative process. I think the truth is that ultimately we are going to come to an agreement that recognizes that fact.

The bottom line is that the entire legislative agenda we are engaged in here is to break the cycle of addiction that is hooking 3,000 children a day on a deadly drug. It is a very simple debate fundamentally. Yesterday, the Senator from Texas agreed that you do have to raise the price, and he is prepared to raise the price in order to try to reduce the access. At least we are sort of chipping away at the arguments here and slowly beginning to expose the truth, the facts, as the Senator from Arizona talked about. You can make the arguments politically on the floor, but you cannot make up the facts. The fact is that 3,000 kids a day get addicted to this drug and, as a consequence of that addiction, a third of those young children will die early of throat cancer, larynx cancer, esophagus cancer, kidney disease—some kind of disease that will be initiated and enhanced as a consequence of the addiction to this drug.

So we should not be diverted by the side issues here. The side issues are purposefully being used to obfuscate what the real focus of this legislation is. There is only one reason for raising the price. The one reason for raising the price is that every single expert, including the tobacco companies themselves, have said if you raise the price you reduce the access of young people to cigarettes.

If this were merely a debate about an adult habit, I guess you would hear a lot of discussion about willpower, about adult choice, about taking responsibility for your actions. If this were just a debate about dangerous adult behavior, whether it is smoking or drinking or driving too fast, we would not be talking it out on the floor of the Senate, I suspect. Fundamentally, we wouldn't be. But it is not a debate about adults; it is a debate about people who did not make a rational adult decision to start smoking. It is a debate about children. And the underlying reality is that 86 percent of smokers begin while they are children. Mr. President, 86 percent of America's 40 to 50 million—what is the number?—45 million Americans who are deemed addicted to cigarettes, 86 percent of them began as teenagers. They began as children. So this is a discussion about underage smoking and that underage smoking fundamentally leads to a very sad and tragic, slow suicide.

Some of my colleagues have raised concerns about raising the price. I am glad the Senator from Texas has accepted the notion. I think other colleagues may ultimately do that, because the concept of raising the price is not something that was initiated with some Senator who came down and said, "Boy, wouldn't this be a great idea? Wouldn't it be wonderful? Here is another way to raise some revenue." That is not where it came from. It came, quite simply, from all of the analyses, studies, research, polling data, focus groups, all of the experts have come together and said, "If we raise the price, we can reduce the number of children who are smoking." We can't eliminate it—we all understand that—but we can significantly reduce the access of young people to cigarettes.

I ask my colleagues not to ask Senator MCCAIN or myself or Senator KENNEDY or Senator CONRAD or any of the other advocates of this legislation to be trusted in their word that somehow that is going to happen. I ask them to look at the economic analyses—at the Treasury analysis, the CBO analysis—all of the analyses that have been done.

Among the 39,000 documents—and this is perhaps one of the most interesting bases for making this judgment—among the 39,000 documents that were subpoenaed over the years as the tobacco cases slowly made their way through the courts, we find a Philip Morris document that says, quite simply, the following:

> It is clear that price has a pronounced effect on the smoking prevalence of teenagers.

That is a Philip Morris document. You will find an R. J. Reynolds document, and it says as follows:

> A key finding is that younger adult males are highly sensitive to price. This suggests that the steep rise in prices expected in the coming months could threaten the long-term vitality of the industry by drying up the supply of new younger adult smokers entering the market. It could also undermine the long-range growth potential of brands which rely on new younger smokers, including Marlboro and Newport.

That is one of the most extraordinary documents we can ever conceive of reading after all of the protestations to the contrary of tobacco executives who came before the Congress and raised their hands and swore under oath that they don't target young people. Here is an R. J. Reynolds document talking about how price would affect their targeting of younger smokers, how price was going to reduce the industry's capacity to grow by depending on its ability to reach the younger smokers and get them addicted, particularly to Marlboro and to Newport.

One might wonder why the tobacco industry conspired, therefore, for years to keep those internal memos under lock and key. The secret, I think, in those documents is not that price correlates strongly with sales, but it does.

That is not the secret. The secret is that the number of young smokers, which we know translates too often into 13- and 14-year-old smokers, is going to go down dramatically if cigarette prices go up. Thus spoke the industry itself.

That is why we are here in the U.S. Senate arguing about whether or not it is appropriate on a national basis to raise the price of cigarettes, and the cigarette companies themselves have told us in two ways: One, in these memos it is appropriate and it will work; and they have told it to us in the settlements in Minnesota and in Mississippi and elsewhere where they have agreed to those kinds of increases, and in the national settlement where they agreed to raise the price of cigarettes, albeit not to the $1.10, but they agreed to raise the price. They did that because they understood that was a component of reducing teenage smoking.

So this is not an idea cooked up in the U.S. Senate. Don't come to the floor of the U.S. Senate and start suggesting that this is some Democrat or some large-scale tax-and-spend issue. This is an idea that the tobacco industry itself has written about for years. This is an idea that the health care industry itself has known for years would work. Public health experts are united in the consensus that raising the price of cigarettes is going to reduce youth smoking. Dr. Koop and Dr. Kessler said:

> Data indicate that children and youth are more price sensitive than adults and that pricing has a strong and immediate impact on reducing sales of tobacco products overall.

The Congressional Research Service said:

> Most of the evidence suggests that teenagers are about three times more sensitive to cigarette prices as are adults. For every 10 percent price increase, the number of underage smokers drops by 5 to 7 percent.

According to the Treasury Department:

> Substantial real price increases are the best way to combat youth smoking.

According to the National Cancer Institute:

> An increase in the cigarette excise tax may be the most effective single approach to reducing tobacco use by youths.

According to the Centers for Disease Control:

> Tobacco use prevention activities should be designed to prevent the use of all tobacco products. Such activities should include increasing tobacco prices.

That is an extraordinary consensus—a consensus of the industry, a consensus of independent health analysis, a consensus of our economic advisers and economic analysts. I think that speaks volumes.

Mr. President, I urge my colleagues to also listen to someone who is suffering from a lifetime of smoking. Listen to any of the people who in their twenties and thirties have already begun to feel the impact, and they will tell you how easy it is to buy a pack of cigarettes at age 12 and 13 when it only costs as much as four or five candy bars. Talk to women who will tell you that when they were adolescents, they gladly made that choice about how to spend the change in their pockets because cigarettes were going to keep them thin and candy bars would not.

That is the story of Pamela Lafland, a 27-year-old mother of two who lives in Boston. Several weeks ago, I met her, and I thank her for sharing her story with me.

When Pam was 11 years old, she had a lot of the same dreams that most young women have: She wanted to be attractive; she wanted to be successful; and she wanted to, while she was younger, look older sooner so that she could start making what she thought were grown-up decisions in a grown-up life.

She took her pocket change down to the corner grocery store and she bought cigarettes. She got hooked. At 11, she was already dreaming of having children some day, and at age 22, she had her kids. At age 24, because of juvenile emphysema, she was now raising them from a wheelchair. At age 26, she had a lung transplant, and today her body is rejecting her lung. Her medical bills have exceeded $200,000, and she has found out, as she says herself, that when she was young, cigarettes were cheap, they were readily available, she didn't know to the contrary, and today she knows she could never measure the cost of a pack of cigarettes in quarters and dimes and nickels.

For Pam, the cost has been her health, and in many ways, the structure of her life, the quality of her life. Pam tells me that raising the price of cigarettes would have made a difference to her and will spare children today from a price system that allows children to make the grown-up decisions that all but guarantee that when they do grow up, they are not going to have a lot to look forward to.

I think we ought to listen to Pam, and we ought to listen to a lot of people like Pam who are similarly suffering in some stage of their life as the consequence of the ready accessibility in the United States of what we know to be a killer narcotic substance.

We have heard a few Members of the Senate coming to the floor and suggesting that raising the price of cigarettes is going to hurt low-income people. Mr. President, there is a certain question mark, I guess, to put it politely, that raises when some of those people who have opposed health care for children, who have opposed day care, who have opposed raising the minimum wage, who have opposed student loans for people who are struggling—all of these things—are all of a sudden here on the floor, those very same people are the ones standing up in defense of "poor people" who are going to be hurt because the pack of cigarettes is going to cost more.

Leaving aside that question mark about what brings them to the floor suddenly as the protectors of the poor in this instance is the fact that it suggests that somehow poor people do not care about their children's smoking, that it is OK to protect getting cancer on the cheap, that what we are going to do is somehow protect the notion that if we keep cigarettes cheap, poor people can buy them and get cancer, since more and more people in poor areas of America, in urban areas, are the ones in whom we see the highest increase in smoking today.

So the argument is, we are going to protect you from the increase in the pack of cigarettes, which is going to make it cheaper for you to get cancer, cheaper for you to have your kids' lives ruined. It is an insult to poor people to suggest that they are not just as supportive of raising the price of cigarettes so their kids will not go down and buy them with whatever pocket change they have. We ought to recognize that. We should not be making it easier for a pack of cigarettes to be accessible to people for whom those cigarettes have become one of the better alternatives to some of the other problems that they have in their lives.

In poll after poll—in poll after poll—a large majority of those people with incomes below $30,000 a year favor raising the price of tobacco, the price of cigarettes. And they do it because they do care about their kids and because they do want to have an opportunity to have those kids grow up healthy and capable of enjoying the fullness of their lives. Low-income people, just like wealthier people, understand that we have to reduce youth smoking.

They also support raising the price because they recognize that spending on tobacco represents about less than 2 percent in spending in any income category. It isn't an issue of income or class; it has nothing to do with your occupation or the size of your family budget. It boils down to a consensus that by far most Americans want the U.S. Senate to do the right thing, which is to take cigarettes out of the hands of children. And the way you take cigarettes out of the hands of children is partly to raise the price, which has been deemed to be the most effective method, but also to engage in counteradvertising, research on addiction, cessation programs, and other things that I will talk about in a minute.

So I believe this bill hits that mark. Senator MCCAIN has reviewed each section of this legislation and laid out the ways in which it helps to prevent youth from smoking.

Studies have shown that low-income smokers in Great Britain on average

reduced their expenditures on cigarettes in response to a tobacco tax increase there. We ought to look to other countries and take the example from them. I think that is very significant, and the reason is that a significant percentage of low-income smokers quit smoking entirely in response to the price increase. Hooray. That is precisely what we want to achieve.

So if we can induce a whole group of people—which is part of what is factored into the volume adjustments of this bill—if we can induce large numbers of people to quit, then, again, also the country will be better off. So the policy works.

I think my colleagues need to be wary of those companies that have actually targeted people in the past now coming to us and fostering some kind of egalitarian argument when their lack of a sense of egalitarian sensitivity drove them to actually target people in low-income communities to become addicted. You cannot have it both ways. All of a sudden, this new concern is obviously a concern which will continue to allow people to become addicted and to buy cheap cancer. The only reason tobacco companies oppose the higher prices is that they know it will diminish the number of people who smoke.

Mr. President, I hope the U.S. Senate is going to be united in the effort to reduce youth smoking. We are convinced by all the scientific evidence and by decades of precedent, even by the secret—now not secret—memos of the tobacco industry itself, that an increase in cigarette price will reduce youth smoking. So we ought to end the debate on the floor of the Senate about "tax and spend." This did not originate in the Senate, did not originate with Democrats, did not originate as an idea of some political party that wanted to find revenue. It originated out of scientific analysis and economic analysis that tells us to a certainty that if the price of cigarettes goes up, then the number of people who smoke goes down.

Then the next question for the Senate is, all right, if you have raised the price, and you have x amount of new revenue coming in, what is the best way to use that to continue to be able to reduce teenage smoking and to have an impact on the impact of smoking itself? That is what we are doing. That is precisely what this bill seeks to have an impact on. It is not, in the final analysis, a regressive burden on low-income families; it is a progressive idea that literally sends a generation of American kids into a world that will be healthier and safer no matter how much money their parents earn. It helps relieve all Americans of $130 billion that we lose each year in medical costs, lost wages, sick days, and all of the fallout from smoking.

As my colleagues come to the floor of the Senate and talk about the cost of this bill—the cost of this bill is the cost of trying to limit young people from smoking. The cost of not doing that is $130 billion a year that every American is paying—even nonsmokers. Every single American is required to fork out of their tax dollars every year at least $1,370 per person in America to pay for the costs of other people smoking. That is what we pay now. The hidden tax on America is the tax of smoking itself for all of the diseases and trauma that come as a consequence of that.

It helps—this bill—I believe, to relieve an individual smoker of over $19,000, on average, in lifetime smoking-related medical costs—more than double the average amount of a year of tuition at a public university.

I want to point, Mr. President, to the chart here that talks about the annual costs of smoking. We have 1 million kids who begin smoking every single year. There are already 45 million smokers in the United States. And, as we know, those 45 million smokers, 86 percent of them started right here as young children smoking. The costs of this break down to 420,000 deaths a year—a year. Those are people in a hospital bed, in a pulmonary ward, with tubes sticking out of them, can't breathe, oxygen, around-the-clock nursing, extraordinary medical costs—420,000 deaths a year; more people, as we know now, than died in all of World War II, all of Korea, Vietnam, Desert Storm, put together, every year—every year—in the United States.

We have an opportunity to do something about that, and we are sitting here playing politics about it rather than trying to find the best way of doing something about it—420,000 deaths every single year directly related to smoking; $80 billion in lost productivity to the country as a consequence of the sickness and the disease that people pay the price for as a consequence of smoking; $80 billion in just total health care costs. That is just the cost for caring for 420,000 people dying and for the people who are not dying or are not yet dead in the outyears. There are 420,000 people who die a year as a result, but in the preceding year—and the preceding years—they are just sick, but very sick, and cost enormous amounts of money.

So we are spending $80 billion a year because 86 percent of those adults got hooked when they were kids. Here we are in the U.S. Senate with an opportunity to stop them from getting hooked as kids, reducing the number of adults smoking, reducing the amount of health care, reducing the number of deaths. There is $24 billion just in Medicaid and Medicare costs that come out of the pocket of every American. That is the cost.

You want to talk about taxes? It is the cigarette tax on every American that is obscene because most Americans didn't ask for that. At least raising the pack of cigarettes is voluntary. You can choose whether you are going to go in and buy them. You can choose whether you will buy one pack or one carton. You can choose how much you will pay out of your own pocket. But these costs, no American gets a choice about these costs. These are forced on every American. These are put to every American as a consequence of our allowing a narcotic drug to be sold over the counter in America. It is time we did something about it.

Now, some have suggested that we ought to take some of this money and reduce the marriage penalty. I would like to reduce the marriage penalty. Even though some Americans who get married aren't affected by it, some are. We need to find a way to balance, how to do it smartly.

But if we take this money and don't put it into the effort of researching addiction and don't put it into our children in terms of confidence building, all of the things they need for self-esteem to make judgments not to smoke, to help with child care, to help with the after-school times, which is when most of these kids go out and start smoking, when there is no parent home—when school lets out at 2 o'clock in the afternoon and they are hanging out on the street corner with their friends and we don't have enough time to give them something constructive to do—that is when it happens.

Instead of providing that kind of constructive oversight with this money, some want to get rid of the marriage penalty. You get rid of the marriage penalty and you will not have done anything to reduce these kids from smoking. I am for getting rid of the marriage penalty, but don't take it out of the "hide" of the effort to get our kids unhooked from cigarettes. That doesn't make sense. That is not the smartest tradeoff we have been presented with in the U.S. Senate. Surely we could find a way to agree to vote on the marriage penalty—and I will vote to get rid of it—at the appropriate time.

If we can't do that, then let us at least whittle down some kind of sensible tax rebate to the people who we are supposedly expressing the greatest concern about—poor people—who are going to be paying more because they are buying cigarettes, and target that in some kind of responsible way. If we did that, then, I think, we really would be consistent with the effort to try to reduce teenage smoking. That is what we have to keep focused on here. Every time we get diverted, let us come back to what this is about: It is only about stopping our children from smoking, finding the way to reduce the numbers of kids who smoke. And we have to find the most sensible ways to try to do that.

Now, it seems to me that what the Senator from Arizona has described in

his opening statement really lays out a series of things that we believe are able to try to do that. In the inner cities of our country, there is a 78-percent likelihood that a child is going to start smoking before the age of 18. What does that mean? It means you will have a young woman who is more than two times more likely than a woman who doesn't smoke to have a low-birthweight child. It means you will have the highest rates of juvenile emphysema and asthma in our urban centers. It means we will have a generation on the road to cancer of the mouth, throat, larynx, esophagus, pancreas, bladder, and kidney. Cigarettes are killing more children than ever before in our most underserved communities. The obligation of this legislation is to find a way to try to reduce that.

What do we do in this bill? We hear people coming out here and talking about "bureaucracy and government." We have left most of the options here to the States. In fact, there are minimal numbers of mandates. The mandates are simply sort of a Federal effort to say we want to make sure they stay on the target of trying to reduce kids from smoking but gives the States a pretty fair recipe as to how to do that. And it leaves the States the option of giving a tax cut. As the Senator from Arizona said, they can make their own choice. The big hand of Washington doesn't have to step in and tell them what to do. If they decide they want to take some of the money that comes back from this revenue and give them a tax cut, they can do that. We don't stop them.

So it seems there is ample opportunity here. But most importantly, this bill sets up a structure for some cessation programs for counteradvertising, for research. Every single one of those are related to stopping children from smoking. We don't know all that science can tell us about addiction yet. Therefore, we have laid out a certain component of funding here to fund additional research on a national basis to try to learn more. Maybe we can come up with some kind of vaccine, Mr. President. Maybe we will come up with some kind of a magical combination of education and early input that makes it exceedingly difficult for people to make the choice to smoke. Maybe there is some easy antidote. We don't know yet. Whatever it is that triggers the mechanism in the chemical structure that makes people addicted, we ought to be researching. That is what we do. We put money into research so we can reduce the impact on our society of the $80 billion a year of medical costs. We have counteradvertising. We have learned that is a very, very significant way of reducing people from smoking. There are very significant evidences of that. It seems to me that we ought to keep our eye focused on that.

Let me try to document that a little bit with an example. In Massachusetts, we were able to fight our State's addiction to cigarettes by a combination of raising tobacco prices and funding tobacco-control programs, exactly what we are talking about doing in this legislation. In 1992, Massachusetts voters approved Question 1, a ballot initiative, to increase the excise tax on cigarettes by 25 cents. The funds from that 25 cents were spent on cessation, outreach, a Smoker's Quitline, media campaigns about the dangers of tobacco, as well as research. The Smoker's Quitline, which is 1-800-TRY-TO-STOP, received over 35,000 calls through June 1996. It distributed 23,000 cessation materials. The media campaign is entitled "It's Time We Made Smoking History" and it reached 94 percent of the children in my State. The Tobacco Education Clearinghouse distributed over 2 million pieces of tobacco information literature in English, Portuguese, Spanish, Vietnamese, and other languages, and 66 primary health care sites have provided smoking cessation programs with individual cessation counseling and advice to 36,000 patients. Forty-nine youth tobacco education programs sponsored 2,570 community tobacco education events, which reached 950,000 Massachusetts youth. Thirty-three population at-risk programs provided tobacco education and cessation activities to targeted racial, ethnic, and gender groups.

What were the results of these efforts? The annual per person cigarette consumption in Massachusetts dropped by approximately 30 percent from 1992 to 1997. The plan is working. There is no denying that. So what we are talking about in this bill is not pie in the sky, it is not some made-up notion of a do-good/feel-good concept. It works. It has proven to work. The only question before the U.S. Senate is whether we are prepared to maximize our efforts to reduce young people smoking and reduce the tax on Americans of smoking that occurs today, even for those who don't smoke and haven't asked for that tax.

The research shows that we are not talking about some Massachusetts—this is not a miracle or pie-in-the-sky. This can work all around the country. In the last 10 years, States from Minnesota to California to Arizona have invested in similar community-based antismoking campaigns. The American Stop Smoking Intervention Study for Cancer Prevention has provided funding to 17 States for smoking prevention programs, and they have managed to cut tobacco consumption by 10 percent in just 4 years.

So, Mr. President, here you have it. In our State, we have a 30-percent reduction. In California, Minnesota, and Arizona, where they have made these efforts, small as they are, there has been a 10-percent reduction. What we are saying in this legislation is that if we can take this tobacco revenue and apply it to teenage smoking reduction efforts, we will reduce the number of Americans who are addicted, we will reduce the number of Americans who die each year because of this, we will reduce the amazing cost to our society of the burden of our health care, and we will reduce the Medicare and Medicaid component that is associated with it, the tax burden.

This is a tax cut plan. This will reduce the cost to America over time, and that is why it makes sense. We also know that counteradvertising works. We need to be empowered—and this legislation seeks to do that—to reach millions of young kids in ways that will change their attitudes about smoking.

I know that my colleague from Oklahoma expressed concern last week about the increase in marijuana use in the United States and the increase in smoking. I share that concern with him. There is an inexcusable rise in the level of marijuana smoking taking place. One of the reasons is that there has been a fallback on the commitment that was made a number of years ago to the kinds of proactive efforts of sports stars, role models, advertising, and other efforts that are so essential to helping kids perform the roles and attitudes necessary not to smoke.

For decades, we have had the tobacco industry pushing cigarettes that taste sweet. I read a Wall Street Journal article where a former tobacco sales representative is quoted as arguing, "This cigarette is for somebody who likes the taste of candy, if you know what I'm saying." Well, we know exactly what he means, Mr. President. What we ought to be doing is empowering local communities who know what he is saying to deliver a countermessage against youth smoking.

Mr. President, in States where they have run messages against youth smoking—places like Arizona—it has worked. It has brought children out of risk. Nationally, I don't think any one of us will ever forget some of the ads we have seen, like the Marlboro Man dying in a hospital bed from lung cancer. He was the guy who was sitting on the horse with the hat on and moustache, looking so macho, selling a generation of cigarettes. He died from lung cancer last year, regretting the smoking and regretting the image that he portrayed, and he made an advertisement about it. That is effective. There was an advertisement of a cigarette addict who lost her larynx to smoking through her tracheotomy. I have talked with teenagers who quit smoking the day they saw those ads. Can anybody say that the effect is going to be the same the day we get rid of the marriage penalty?

Come on, Mr. President, let's face it. The reality is that everybody understands if we can run an effective national effort in order to try to counter the impact on our children, we will make a difference. It is up to the U.S. Senate to make that difference now. We have a choice about our priorities. We can come down here and continue to wage the fight against the tobacco companies who continue to stand in opposition to a bill that tries reasonably to deal with the problem of smoking. I say to my colleagues, where it isn't reasonable, let's amend it. Let's come down to the floor with an appropriate substitute or amendment and let's pass it, if it is worthy. If it isn't, let's complete work on this legislation and do what we ought to do to reduce the access of smoking to our children.

It seems to me that it is not hard to discern that the purpose of this bill is genuine and it is simple: It saves children's lives. It could save a generation. And it does so with minimal bureaucracy, minimal intrusiveness, and minimal interference. I am open to any ideas that anybody has which will sustain a counteradvertising program, sustain the cessation programs, sustain research into addiction, but at the same time do it somehow with less "bureaucracy" or intrusiveness. I am confident the Senator from Arizona and I would accept an amendment if it did so in a way that sustained the fundamental purposes of this legislation.

So we have this opportunity, and there is no higher priority in the agenda of this Nation, there is no higher priority in the business of the U.S. Senate. It is hard sometimes to make the words as meaningful as one wants to, hard to find a way to get over the partisan tug-of-war that takes place here, and it is hard sometimes to get the full measure of what this is about. The full measure of what this is about is not the measure of a price of a pack of cigarettes, it is the measure of a child's life, it is the measure of what it is like to have emphysema and be in a hospital because you haven't made the decision that was cognitive when you were young. It is the measure of our responsibility as adults and as citizens to be able to reach our children at a stage when they are most impressionable and subject to making these kinds of mistakes. That is the measure of what we are doing here. I hope the U.S. Senate will measure up and do what every American understands is in the interest of our Nation and in the interest of our children.

I yield the floor.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, I thank the Senator from Massachusetts for his important statement and the important comments he has made. I will yield the floor in a minute to Senator WELLSTONE, who is waiting.

I want to make a couple additional points here. One of the aspects of this bill that has been raised is, of course, the legal fees. There is no doubt that that issue has to be addressed. The President tried to address it in one of his amendments, which I supported. I believe that he and others are working together to try to guarantee that most of the money goes to the public and would still leave the lawyers plenty of room to get rich. That is our goal here, and I think we can achieve that without too much difficulty on a consensus basis.

On the issue of the look-back, the so-called Durbin amendment that we are specifically debating, let me point out that if the so-called look-back provisions are made strictly company-specific—remembering that in the bill we have an uncapped company-by-company surcharge of $1,000 per youth smoker—there can be wild gyrations in the cost of a pack of cigarettes, which would really drive those specific companies out of business. If it were strictly company by company, if one company did not achieve the goals and had to increase its payments by a significant amount, those costs would have to be passed on, as we know, to the consumer. That would drive the tobacco company out of business.

I repeat, we are not trying to drive the tobacco companies out of business, we are trying to drive them out of the business of marketing to kids. What you would really end up doing if we adopted the Durbin amendment is basically cause wild gyrations in the cost of a pack of cigarettes and drive companies out of business. Mr. President, what we have done in the managers' amendment is basically strike a compromise between an overall penalty to the industry, but also a specific penalty of $1,000 per youth smoker, which, by the way, is double the amount a young person spends on cigarettes per year.

That is a very significant penalty. I would point out that the Durbin amendment would also increase the cost to about $7 billion where ours is approximately $4 billion.

Mr. President, I do not see the Senator from Massachusetts in the Chamber, but I think it is important for us to recognize something else here, too, that has been going on. I know that many of my colleagues dislike the tobacco companies. I have to say, in all candor, I have grown to like them less as I have been seeing my name splashed all over newspapers, television and listened to it on radio for about the last month, but let us not forget what we are trying to do here. Are we trying to just drive tobacco companies out of business, which probably would not upset me if I did not believe and know that 40 million adult Americans would still smoke.

If American tobacco companies went out of business, two things would happen: One, there would be a Marlboro or a Camel or another coming out of Mexico, El Salvador, whatever; they would be exporting cigarettes into the United States, which we would not have nearly as much control over. So people would not stop smoking immediately if we drove all the tobacco companies out of business. So it is not in our interest to drive all the tobacco companies out of business, particularly since we would also be deprived of the funds to be used to try to convince children in America not to smoke.

So with all due respect to my colleague, what I see going on here, interestingly, from both ends of the political spectrum is such punitive amendments that we will drive the tobacco companies out of business. Now, we will feel good; we will be able to go back and tell our constituents: I voted for this amendment; I voted for that amendment; I took away any protection that they had; I voted to increase the price of a pack of cigarettes; I voted to make those punitive provisions stronger and, by God, I showed those tobacco companies.

Well, that may be a short-term gain, but it will not solve the problem of kids smoking. That is why this bill had better not get too far out of kilter. Now, I do rely on the experts. I do rely on their opinion. I am not an expert. I am not an expert on smoking. I freely admit that. But I listened to the Treasury Department. I listened to the public health groups. I listened to the experts who told me that if it becomes too punitive, too big in penalties, too big a price for the tobacco companies to pay, they will do what the asbestos companies did and that is declare bankruptcy and go out of business. So it may feel real good to vote for an amendment that punishes the tobacco companies further.

Now, I will admit, Mr. President, I have some subjectivity here because I spent weeks and my staff spent hundreds, thousands of hours sitting down saying, what is the best, carefully balanced package we can come up with which achieves our goal. And that is why we received a 19-to-1 vote through the committee—because it had balance. We are in danger of knocking this thing way out of balance, if we haven't already.

Now, again, I will stop because the Senator from Minnesota is on the floor, but we could sit here day after day, week after week, if we want to, voting for amendments that punish the tobacco companies more and more. But that will not stop a kid from smoking. Every day that goes by 3,000 kids will start smoking. Today 3,000 kids will start smoking. Tomorrow 3,000 kids will start smoking.

So I urge my colleagues to understand what our goal here is—not to drive the tobacco companies out of business, but to stop kids from smoking. If you drive the tobacco companies

out of business, which may make one feel good, one, you are still going to have 40 million adult smokers in America and probably kids smoking, too; and, two, you are not going to effectively address this problem that we are trying to through this legislation which was addressed on last June 20.

So I hope my colleagues will keep that in mind as we vote for amendments and show how macho and tough we are on the tobacco companies.

Mr. President, I yield the floor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, first of all, let me say to my colleague from Arizona I had a chance yesterday to speak in the Chamber, and I have been wanting to say this while he is in the Chamber. I read a very eloquent and really beautiful piece in the Washington Post he had written about Senator Goldwater, who was, I suppose, on the opposite side of the spectrum from where I stand, but I talked about how especially in recent years—I never knew Senator Goldwater, never had a chance to talk with him, but in recent years as I have read about him and seen some of the things he said, I have so much respect for the way in which he kind of tied together personal, intellectual and political integrity.

I say to my colleague from Arizona, who will probably disagree with the rest of what I say over the next several minutes, I do believe when it comes to conscience and integrity we do have somebody who lives up to that very high standard Senator Goldwater set. And that is Senator MCCAIN from Arizona. The only thing I didn't agree with in the article the Senator wrote was when Senator MCCAIN said he will just be a mere footnote in Senate history. I do not agree with that. I think Senator MCCAIN is an enormously important force here in the Senate and in the country, and I better not go any further with that because I am about to disagree with the rest of what he said.

PRIVILEGE OF THE FLOOR

Mr. President, I ask unanimous consent that David Vang, who as an intern in his last day in our office, be allowed to be in the Chamber during the debate today on this piece of legislation.

The PRESIDING OFFICER (Mr. SESSIONS). Without objection, it is so ordered.

Mr. WELLSTONE. I thank the Chair.

Mr. President, I agree with really what both my colleagues have had to say, the Senator from Massachusetts, Mr. KERRY, and Senator MCCAIN, about what our goal is with this legislation, that we ought to keep our eye on the prize. The goal is to reduce youth smoking and to save the lives of children in our country and, I would argue, also children throughout the world.

In that regard, from my perspective, not from the point of view of being macho, I say to my colleague from Arizona, but from a point of view of what I think would be the best public policy that would make a difference, I think we took a step backwards when we did not raise the price increase of cigarettes to $1.50 per pack. Senator KENNEDY's amendment, I think, was on the mark because I think if we had done that over 3 years, demand, indeed, being elastic, would have gone down in a very significant way especially with young people.

But regardless of the debate on that amendment, we move forward. Senator MCCAIN has labored long and hard to make this a good bill. So have other Senators—Senator KERRY and Senator HOLLINGS and others. But again we all agree that the reduction of youth smoking and the protection of children's lives should be the primary goal of this legislation. So let us just say we are in agreement in that goal.

Now, we are forced to come to the floor of the Senate—and I am going to speak about Senator DURBIN's look-back provisions—and fight hard for children and young people for some protection because big tobacco for decades has employed legions of marketers who were paid to find ways in which they could addict our children and procure them as future long-term customers.

That is exactly what it has been all about. That was the mandate that the advertising agents received from the tobacco industry. This industry poured a tremendous amount of its wealth and its talent in what they viewed as their mission. And, oh boy, were they successful. We have heard it many times now; we hear it every day. Senator MCCAIN just recited the same statistic; 3,000 kids start smoking each day in our country alone, and a third of them, at least a third of them, will die a premature death due to tobacco-related illness. So these tobacco companies know how to market and they know how to do it well. They are experts. They have been experts at whispering in our children's ear and seducing them to smoke. So let us now get these companies to use their expertise to change the tenor of these whispers and to have them induce our children not to smoke. For a long, long, long time—too long a time—they targeted our children, they whispered in their ears, they seduced them to smoke. They have the expertise. Now what we are going to do is provide them with incentives to, in fact, get our children not to smoke. These companies are responsible, or have been responsible, for what Dr. David Kessler calls the "pediatric disease of smoking." Let me repeat that, "the pediatric disease of smoking."

That is what the look-back provisions are all about. They are to make the tobacco companies responsible for meeting certain youth-reduction goals, and they hold them financially accountable if they fail to reach these goals. Senator MCCAIN is to be commended for the inclusion of look-back provisions in the bill which we have before us today. But I think, not from the point of view of trying to destroy the industry but from the point of view of how we can, in fact, make sure we have the right incentives to get these companies to make an all-out effort not to target children and, in fact, reduce the number of children who are smoking, I think we have to have stronger and better incentives. That is why I come to the floor to support the Durbin-DeWine amendment.

I think what this amendment does, which is most important, is that it makes the payments or the penalties for missing the youth-reduction targets more company specific as opposed to primarily industry-wide.

I am worried about the industry-wide approach for a couple of different reasons. First of all, I think what will probably happen is that the industry, as a whole, will just simply say: Look, there is no particular incentive for any one company to really go all-out to reduce teenage smoking and we will just kind of share the additional cost. But, you know what? In the long run, it will be more profitable to do that.

The problem is that there is a negative incentive for companies to try to live up to our goal. After all the goal is to reduce teenage smoking. The goal is to dramatically reduce this addiction. The goal is to dramatically reduce the death of people in our country. Therefore, it would seem to me that if some companies are doing all they can to meet that goal but other companies are not, and the industry as a whole doesn't do the job, then everybody ends up having to pay a penalty, and there is simply no incentive for a company to do right. The way it stands now, if a certain company does make the effort to stop children from smoking their cigarettes, but the rest of the industry doesn't, then the company that did make the positive attempt is punished more than any other. First, they are hit by the industry wide look back payments even though they made every good-faith effort to do the right thing. And, second of all, by doing the right thing they are financially burdened by the loss of their youth market.

So it seems to me the look-back provisions in the bill as they now stand are flawed, and I think to make the incentives or disincentives more company-based, more specific-company focused, is a much more effective public policy way of reaching our goal, which is to have a dramatic reduction of teenage smoking.

The Durbin-DeWine amendment is also, I think, a strong improvement because it raises the 10-year reduction goal from 60 percent to 67 percent. In

our committee, the Labor and Human Resources Committee, which for a short period of time had jurisdiction over this legislation, Senator KENNEDY had an amendment which passed the committee which would have raised the goal to 80 percent, an 80-percent reduction in youth smoking. We heard from any number of different experts who said you can do that. We can do that and we should. This is truly one place where we ought to set the bar as high as we can because we are talking about children's lives. Children's lives are precious to all of us. So I think by going to 67 percent, we have made a solid improvement that is easily doable and I think we should set the goal this high.

Let me just finish up this way. I now come back to why I come to the floor to support the Durbin-DeWine amendment, which I think is a much more effective way of reducing youth smoking. I think the look-back provisions as they now stand are flawed. I do not think they are going to work well. So we want to have a piece of legislation which will be as strong as possible and will work well.

I say to my colleague from Arizona, no company gets put out of existence. Every single company that makes a good-faith, all-out effort to reach these achievable goals and reaches them, will not have any problem at all. Those companies will have no look-back payments to make. It is simple. There is no reason, no inherent reason in this amendment that Senator DURBIN and Senator DEWINE have brought to the floor, why any companies would have to worry about going out of existence if, in fact, they make a commitment to live up to these goals. And that is what it is all about.

I think the language of money is, in fact, the only language to which this industry has responded. While the pleas of parents and children and dying victims might fall on deaf ears, and they have for a long time, the clinking of coins is a sound to which they are most surely attuned.

So I think right now we have some provisions in the legislation that I do not think will work that well. I think this amendment that Senator DURBIN and Senator DEWINE have brought to the floor makes a lot more sense. Because if companies choose to use their marketing powers to discourage teenagers from smoking, which is exactly what this look-back provision will encourage them to do, they will avoid any look-back payments and at the same time they will improve America's long-term health. I think that is what this legislation is all about.

Since I have some additional time here, I want to let my colleagues know that I will be introducing an amendment to extend the advertising protections that children here in the United States will enjoy, to extend those protections to children around the world. My understanding is that the amendment tree is filled right now, but I want to talk a little bit about this amendment. Again, as I have already said, the purpose of this legislation is the reduction of youth smoking. I believe the amendment I will introduce will further that goal and because it will it should have strong support from this body. What I am concerned about are some of the provisions in the legislation that deal with the international activities of this renegade industry. I think those provisions are inadequate.

What I want to do is to make sure that the advertising and marketing restrictions that we have in this legislation also apply to the international scope of these tobacco companies just the way Senator MCCAIN's bill was written when it passed out of Commerce Committee by a 19-to-1 vote. So, for example, if we are going to say: Look, industry, you are not going to be able to use cartoon characters to market your deadly products here in the United States of America; I would like to say to these companies: You are not going to be able to use these cartoon characters to market these deadly products in any market overseas.

I'd like to provide a little context for my colleagues. I will address this subject in more depth later on, but I wanted to draw from some interesting documents my State of Minnesota was able to obtain when Minnesota forced the tobacco industry to disgorge documents so revealing that the industry has been hiding them for years. An R.J. Reynolds document, penned in 1976, reads:

> Evidence is now available to indicate that the 14–18 year old group is an increasing segment of the smoking population. RJR-(tobacco) must soon establish a successful new brand in this market if our position in the industry is to be maintained in the long term.

Or this from Philip Morris, in 1981:

> Today's teenager is tomorrow's potential regular customer, and the overwhelming majority of smokers first begin to smoke while still in their teens . . . The smoking patterns of teenagers are particularly important to Philip Morris.

The amendment I will introduce will basically say we need to put our foot down. We ought to say: No more. No more addicting of children. Tobacco industry, you need to cease and desist from diabolic marketing tactics which target children, which addict children, and which ultimately lead to the premature death of too many people, here and abroad.

Some statistics about what Dr. Kessler has called the pediatric disease of smoking. The World Health Organization projects a staggering global death and disease burden related to tobacco use. The WHO estimates that one-third of the world's population over the age of 15 currently smokes—one-third. This is equal to 1.1 billion smokers. Of those 1.1 billion smokers, over 90 percent live outside the United States and over 70 percent live in developing countries.

Let me simply mention a couple of other interesting statistics that I will again get a chance to develop in this argument a little later on. I will give just a few examples. Over the last decade in which U.S. sales have declined by 17 percent, U.S. cigarette exports have grown by a staggering 260 percent.

In 1996 alone, U.S. manufacturers exported a record 243.9 billion cigarettes—243.9 billion cigarettes. I have to say to my colleague from Arizona, I am not out here to bash, but I honestly and truthfully believe and can marshal evidence—and I will when we get to debate this amendment—that big tobacco has been absolutely shameless in its efforts to addict children, not only in our country but abroad as well.

For example, if we are going to say, look, this is about reducing teenage smoking, this is about saving children's lives, I think a child is a child. We are talking about all of God's children. These advertisements have been shameful. They have been irresponsible. But, unfortunately, they also have been very successful.

It is no surprise that when U.S. companies go into overseas markets, teenage smoking rates quickly climb. In Russia, from 1992 to 1993 smoking rates among 13 to 16-year-olds increased from 31.5 percent to 42.5 percent as a result of targeting efforts by tobacco companies.

Smoking rates among male Korean teenagers rose from 18 percent to 30 percent in just 1 year after the entry of U.S. tobacco companies. Let me repeat that: Smoking rates among male Korean teenagers rose from 18 to 30 percent in just 1 year after the entry of U.S. tobacco companies.

Just 2 years after Taiwan's cigarette market was opened to U.S. companies, the smoking rate among high school students increased 50 percent. In both Taiwan and Japan, U.S. brands jumped from 1 percent to 20 percent of the market in less than 2 years.

The United States National Cancer Policy Board has noted that the introduction of U.S. cigarettes in Japan "had the regrettable effect of contributing to an increase in overall tobacco consumption, especially among those under the age of 20." That is from the U.S. National Cancer Policy Board.

My amendment will simply state that American tobacco companies, and those they control, are prohibited from selling, distributing or marketing tobacco products to children overseas, just as they will be prohibited from such activities in the United States.

I have to say to you, Mr. President, that the good news is the bill that was passed by the Commerce Committee by a 19-to-1 vote had basically the same language as this amendment. And I say

let us get that language back in the bill.

My concern, as a United States Senator from Minnesota, is how can we dramatically reduce smoking among teenagers, among young people? How can we stop this shameless targeting of kids? Again, we had document after document after document. I know my colleague who is presiding has debated this. He has raised important questions—I always give that to him—and he argues his case forcefully about lawyers and lawyers' fees and all the rest. Fair enough. We have debated that, and we will debate it again.

I will say this: In the Minnesota court case which was recently settled, it is incredible the number of documents and the amount of information we were able to get out before the public.

Those documents tell a very disturbing story of an industry which in a very shameless way targeted kids and went all out to addict children. What I will be doing with this amendment that I will offer is to say, look, if we are going to be concerned about marketing to children in our country, then we also ought to be concerned about it with children abroad. The United States of America ought not to be known around the world, especially in these poor developing countries, as a country with an industry that is a leading exporter of death. That ought not to be our identity with people in those countries. I think the same marketing restrictions should apply. You no longer can use cartoon characters to push the buttons of children and addict them to tobacco in our country, and you are not going to do it in other countries either. That will be the gist of the amendment I intend to introduce.

Mr. President, I do not see any colleagues on the floor, so I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. REED. I rise today to speak on the amendment proposed by Senators DURBIN and DEWINE which would, in fact, strengthen the look-back penalty with respect to the tobacco legislation which we are considering today on the floor.

The key element to changing the tobacco legislation is providing for a very strong, very tough, and a very appropriate look-back provision which essentially would extract additional payments from the tobacco industry if they fail to meet the goals in reducing teenage smoking. This is at the heart and soul of the whole tobacco debate—preventing children from getting easy access to tobacco products, preventing them from engaging in an addiction which will lead to their premature death in too many cases.

When the tobacco industry announced their initial agreement a year ago with the attorneys general, they indicated a sincere desire, we hoped, to change the culture of tobacco, to change the culture of the way they deal with this product. Unfortunately, for many, many years, perhaps the whole history of the tobacco industry, they have been targeting young people as a means to boost their sales, as a means to enlist and, indeed, addict a whole generation of young people to be their customers. This approach, this marketing approach over many, many, many years, has led to the premature deaths of thousands of Americans. We have the opportunity now to stop that, if we do, in fact, legislate strong protections like a good, solid look-back provision.

The tobacco industry has, as I indicated, spent billions of dollars trying to ensure that children become addicted to tobacco. In many respects, sadly, the tobacco industry has become addicted to children. They just can't seem to thrive economically without them. We want to change that addiction. We want to change the addiction that affects children, and we would like to change the addiction that has affected the industry. We would like them, if they are to market their product, to do so to adults.

At the core of ensuring this happens is the requirement of having stiff assessments against the industry if they fail to meet the goals we have set out. That is at the core of the amendment proposed by Senator DURBIN and Senator DEWINE. I commend them for this amendment. It would strengthen significantly the protections and strengthen significantly the look-back assessments that the industry would pay if they fail to meet the goals of reducing teenage smoking.

We have seen, over the course of many, many years, the deliberate attempt on the part of the industry to attract young people, to attract teenagers, to get them smoking early, so that by the time they thought about it, they were already addicted to tobacco products.

The most revealing source of information about the industry's tactics has been the industry itself. In various litigation proceedings around the country, documents have been discovered and released publicly that indicate the systematic and very deliberate attempts by the industry to addict children. Documents obtained through the Mangini litigation further document these efforts. A presentation from a C.A. Tucker, vice president of marketing for RJR Industries, concluded, "This young adult market, the 14 to 24 age group, represents tomorrow's business." Only, I think, would the industry think of "young adults" as 14-year-old children. And it is quite clear and quite obvious they were targeting these young children. They have done it in so many different ways.

They have also indicated in documents released by the Mangini litigation that they conducted extensive surveys of smoking habits of teenagers. They were trying to find out essentially what makes teenagers tick and how they can use those psychological forces to addict children to cigarette smoking. This hasn't changed and won't change this until we have a good, strong look-back provision.

The improvements which Senator DURBIN and Senator DEWINE are suggesting are just the right approach to make this look-back assessment a positive and forceful one. For example, they will move away from the industry-wide assessment contained in the underlining McCain bill and have more company-specific assessment. This makes sense, because if a company thinks that they can act inappropriately, they can take chances, play loose with the rules, market to kids, and their competitors will help bail them out because the penalty is assessed across all the companies—the good and the bad equally—there will be no real incentive to change the behavior of individual companies, to change the marketing approaches, to change the advertising approaches, to assume and to ensure that what we have is a situation where children are no longer subject to this type of advertising.

This company-specific approach is going to be, I think, the key. That is what is so critical about this amendment. If we don't have an industry-wide standard for the look-back assessment, we will never effectively change the behaviors of these companies. And, frankly, that is what we should be about. This legislation should not be about simply racking up huge payments from the industry. It should not be about how we spend those payments, necessarily. It should be quite a bit about changing behavior and the incentive of the industry so they stop trying to market tobacco products to children.

Another important aspect of this amendment that is critical is that this amendment would increase the target the industry must reach in 10 years from 60 percent to 67 percent. In essence, this amendment would require a 67-percent reduction in teenage smoking in 10 years. That is comparable to what the industry itself agreed to when they settled with the attorneys general. These two provisions—the company-specific approach, together with increasing the target reduction rate for teen smoking—are absolutely essential to having comprehensive tobacco legislation that will work and actually

produce results. They will save the lives of thousands and perhaps hundreds of thousands of young people today, who otherwise will continue to be the targets of tobacco advertising, will continue to be the targets of the industry and will, I fear, fall under the sway of this tobacco addiction prematurely, shortening their lives and impacting the public health of America.

I urge my colleagues to do all they can to ensure that this amendment passes, and that we move from this amendment to consider other amendments that will also control the access of information that kids have about tobacco. I will propose an amendment that will condition the receipt of tax deductibility of advertising expenditures in compliance with the FDA rules for advertising. These amendments, together, are steps that we can and should take immediately to ensure that we succeed in changing the culture of the tobacco industry, that we succeed in ensuring that we take historic steps so that children in America will no longer be the victims of an industry that has preyed on them for too long.

I urge my colleagues to join myself, Senator DURBIN, Senator DEWINE, and the other cosponsors, in passing this act.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:30 p.m. recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. THOMAS).

The PRESIDING OFFICER. The Senator from Arizona.

NATIONAL TOBACCO POLICY AND YOUTH SMOKING REDUCTION ACT

The Senate resumed consideration of the bill.

Mr. MCCAIN. Mr. President, as we resume debate on the issue of the tobacco bill, I want to discuss a very serious issue that arose concerning veterans and smoking and has to do with the highway bill, which some may think a little strange but probably has a lot to do with how we juggle numbers around around here and the way we "pay" for things and not "pay" for things.

Let me quote from an article that was in the Washington Post on Saturday, "Veterans Livid About 'Willful Misconduct' Tag on Smokers."

Veterans groups were furious last week when Congress voted to finance the pending highway bill by denying billions of dollars to veterans suffering from tobacco-related illnesses. This week, the groups were stunned to discover that the lawmakers actually went further than that and declared any veteran who smoked on active duty could be considered to have engaged in "willful misconduct."

That is the same standard that the Department of Veterans Affairs uses to deny benefits to alcoholics and drug abusers. The comparison has made veterans groups livid and yesterday they vowed to force a second vote on the issue.

"We're hoping to get one more shot at it," said Bob Wallace, deputy executive director of the Veterans of Foreign Wars. The groups have sent messages out to their memberships hoping to flood Capitol Hill with protests from the nation's 26 million veterans.

The veterans groups delivered their complaints to President Clinton at a Memorial Day breakfast. . . .

A spokesman for the House Transportation and Infrastructure Committee said Congress will consider the technical corrections bill soon but many members may be unhappy to have to vote directly on the veterans issue.

Besides denying compensation, the highway bill also may have gone so far as to block the VA from taking care of veterans who become ill on active duty with tobacco-related illnesses, such as lung cancer and heart ailments, a VA official suggested. The VA long has accepted those individuals for care and benefits, but a spokesman said VA lawyers are now debating whether the new law will allow their continued care.

That is pretty remarkable, Mr. President. That is pretty remarkable.

What the Congress has done is to "retroactively redefine conduct that was not only legal but it was also encouraged by the military," said Phil Budahn, a spokesman for the American Legion, the Nation's largest veterans organization. He and other veterans noted that the military provided free cigarettes to service personnel as recently as the Vietnam War.

Until the highway bill came along, Congress had avoided the issue. Because denying the tobacco benefits would create a budgetary savings of as much as $23.8 billion over five years, promoters of the highway bill latched on to the idea as a way to pay for increased highway spending.

PVA's Fuller said Congress simply saw the VA as a "cash cow" and used the veterans' money for bridges and highways.

"They saw the money, and that's all they wanted to do," said Dave Autry, associate national director of Disabled American Veterans.

Mr. President, I will not read further. I ask unanimous consent that the article be printed in the RECORD.

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

[From the Washington Post, May 30, 1998]

VETERANS LIVID ABOUT "WILLFUL MISCONDUCT" TAG ON SMOKERS

(By Bill McAllister)

Veterans groups were furious last week when Congress voted to finance the pending highway bill by denying billions of dollars to veterans suffering from tobacco-related illnesses. This week, the groups were stunned to discover that the lawmakers actually went further than that and declared any veteran who smoked on active duty could be considered to have engaged in "willful misconduct."

That is the same standard that the Department of Veterans Affairs uses to deny benefits to alcoholics and drug abusers. The comparison has made veterans groups livid and yesterday they vowed to force a second vote on the issue.

"We're hoping we get one more shot at it," said Bob Wallace, deputy executive director of the Veterans of Foreign Wars. The groups have sent messages out to their memberships, hoping to flood Capitol Hill with protests from the nation's 26 million veterans.

"This battle isn't over until it's over," said Richard Fuller, chief lobbyist for Paralyzed Veterans of America. "We've got a lot of members who got bamboozled on this."

The veterans groups delivered their complaints to President Clinton at a Memorial Day breakfast, but they acknowledged yesterday were is little likelihood that he will veto the highway measure. As a result, the groups are trying to stir up their members enough to lobby Congress and force major changes through a "technical corrections" bill, which normally is designed to make uncontroversial fixes in legislation.

A spokesman for the House Transportation and Infrastructure Committee said Congress will consider the technical corrections bill soon. But many members may be unhappy to have to vote directly on the veterans issue.

Besides denying compensation, the highway bill also may have gone so far as to block the VA from taking care of veterans who become ill on active duty with tobacco-related illnesses, such as lung cancer and heart ailments, a VA official suggested. The VA long has accepted those individuals for care and benefits, but a spokesman said VA lawyers are now debating whether the new law will allow their continued care.

Despite rulings by VA lawyers that say the department must consider tobacco-related illnesses service-connected, the department has rejected virtually all the claims it has processed for compensation for smoking-related ailments.

The VA has approved only 299 claims of the 8,391 claims it has received, officials said. Thus far, 4,290 claims were rejected, but a spokesman said many of those rejections were considered "temporary" and likely to be reversed after the veterans submit additional information.

The VA is processing another 3,802 claims. But under the highway legislation, the VA would be blocked from approving any more claims.

What the Congress has done is to "retroactively redefine conduct that was not only legal but was also encouraged by the military," said Phil Budahn, a spokesman for the American Legion, the nation's largest veterans organization. He and other veterans noted that the military provided free cigarettes to service personnel as recently as the Vietnam War.

In late 1992, a Bush administration appointee declared that the VA should pay for veterans' smoking-related illnesses. But the Clinton Administration has sought to distance itself from that position, because of the expected cost of billions of dollars. Instead, it called for legislation to overturn that ruling by the VA's general counsel and a subsequent ruling by its own appointees

that made it easier for veterans to file tobacco claims.

Until the highway bill came along, Congress had avoided the issue. Because denying the tobacco benefits would create a budgetary savings of as much as $23.8 billion over five years, promoters of the highway bill latched on to the idea as a way to pay for increased highway spending.

PVA's Fuller said Congress simply saw the VA as "a cash cow" and used the veterans' money for bridges and highways.

"They saw the money and that's all they wanted to do," said Dave Autry, associate national director of Disabled American Veterans.

Veterans groups, renowned for their Capitol Hill clout, mounted a massive campaign to derail the legislation, urging their members to write and call lawmakers to demand their benefits. So far, the effort has been unsuccessful.

In the recent past, such congressional actions would have been unlikely. Some said the response from Capitol Hill may reflect the smaller number of veterans in Congress and the fact that the overall veterans population is declining. Lawmakers apparently don't fear their wrath as they once did.

The veterans said House Speaker Newt Gingrich (R-GA.) did convene a meeting of veterans groups last week in an effort to end their opposition by promising to increase payments for education under the Montgomery G.I. Bill.

"The answer was 'no.' We would not cut benefits for one veteran to provide benefits for another," said Fuller. The bill contained the education increases, nonetheless.

VA officials said the administration's proposed legislation on the veterans tobacco issue would not have classified smoking as "willful misconduct" and would have allowed the VA to continue processing and paying any pending claims for tobacco-related illnesses. It would, however, block the filing of new claims as soon as the law was enacted.

In letters to Gingrich, VA Secretary Togo D. West Jr. said the administration believed that use of tobacco "like the consumption of alcohol . . . is not a requirement of military service" and that any veteran who becomes sick as a result of smoking should not be given government compensation.

Sen. John D. "Jay" Rockefeller IV (D-W.VA.), ranking Democrat on the Senate Veterans Affairs Committee, said yesterday he will offer an amendment to the tobacco settlement legislation to earmark $2.7 billion over five years for improved VA health care. That would be a small step, he said, toward compensating the VA for the cost of caring for smoking-related illnesses.

Mr. McCAIN. Mr. President, shortly I intend to ask unanimous consent to have the pending amendment set aside in order to propose an amendment.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, shortly, after some consultation, we would like to propose an amendment concerning veterans and tobacco. I expect to have that agreement shortly.

While we are waiting, I want to quote from some letters that we have received from some of the veterans organizations in America.

This one is from the Disabled American Veterans:

DEAR SENATOR McCAIN: On behalf of the more than one million members of the Disabled American Veterans (DAV), I write to express our extreme disappointment that Congress chose to raid veterans' disability compensation to pay for an already bloated transportation bill. This action was particularly egregious because it also came on the eve of Memorial Day, a day set aside by a grateful Nation to pay tribute and honor to those men and women of our Armed Forces who made the ultimate sacrifice so that all Americans, and many others around the world, could savor the freedoms we so richly enjoy.

What I find so amazing is the willingness of the leadership and many others in Congress to debase the legislative process to ensure an offset for huge spending increases for transportation. Congress pulled out all the stops to guarantee that the end justified the means. Clearly, the American public, and particularly veterans, were the losers in this battle.

To reach the unjustified end—robbing veterans' disability compensation to pay for transportation programs—this Congress took the unprecedented action of usurping the authorizing committee's jurisdiction. As the authorizing committee was considering the merits of the issue of paying disability compensation for tobacco-related illnesses, the Congressional leadership laid claim to all of the so-called "savings" from veterans' disability compensation, $10.5 billion, for transportation programs during the Senate Budget Committee deliberations. Further, the Senate's vote to take away this benefit was based on gross inaccuracies and misrepresentations contained in the Republican Policy Committee's talking points.

The Congressional Budget Office (CBO) estimated the "savings" from veterans' disability compensation at $10.5 billion. Although that figure was used by the Senate Budget Committee and passed by the full Senate by a margin of 6 votes, the transportation conference report on H.R. 2400 used the Administration's higher figure of $15.5 billion. This was done behind closed doors and without the knowledge of many of the transportation bill conferees. It was also accomplished with total disregard for the sense of the Congress, passed by an overwhelming majority in the House, and the motion to instruct the conferees not to use veterans' disability compensation to fund transportation.

It was appalling to watch how quickly the Administration lent its support to this misguided effort to plunder veterans' programs when the Congressional leadership chose to use the Administration's higher cost-savings estimate, thereby guaranteeing fewer cuts in the Administration's favorite programs.

Even worse was how quickly the leadership moved the transportation bill conference report to a vote to ensure that members would not defect after going home and meeting with their constituents on Memorial Day.

The vote is now a part of history, as is what Congress has done to veterans. However, as Congress focuses on the appropriation process in the upcoming weeks, I call upon you to make your voice heard to ensure that veterans' programs receive adequate funding.

While Congress can never make up for the injustice it recently perpetrated against veterans, it can ensure that the Department of Veterans Affairs (VA) health care system receives at least $1.1 billion in appropriations above the Administration's proposed budget to allow VA to provide necessary medical care to our Nation's sick and disabled veterans. Congress must also provide sufficient funding for VA to increase its employment levels in Compensation and Pension above the 7 new employees provided in the Administration's proposed budget. Too many veterans die before their claims can be properly adjudicated and too many dependents and survivors are forced to accept a small fraction of what the veteran would have been entitled to had he or she survived the enormous delays encountered in an understaffed adjudication division.

Instead of the patriotic speeches that veterans hear twice a year, on Memorial Day and Veterans' Day, and during tough debates on the floors of Congress, I call upon you to get involved, in a meaningful way, and make your voice heard to ensure that VA receives adequate funding. Please do not sit back and wait for others to do what is right. Let your colleagues know that you support adequate funding levels for VA.

Thank you for your support of our efforts to obtain adequate resources to substantially improve the quality and timeliness of the VA benefits delivery and health care systems.

Mr. President, I ask unanimous consent that this letter and letters from the Paralyzed Veterans of America, the Veterans of Foreign Wars of America and the Vietnam Veterans of America be printed in the RECORD.

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

VETERANS OF FOREIGN WARS
OF THE UNITED STATES,
Washington, DC, April 9, 1998.

Hon. JOHN McCAIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR McCAIN: On behalf of the 2.1 million members of the Veterans of Foreign Wars and all of America's 27 million veterans, I am writing to express our dismay regarding your recent support of the Craig/Domenici amendment to the Budget Resolution to deny VA compensation for smoking related disabilities to pay for excessive spending in the Transportation Bill. This amendment represented a raid on veteran's entitlements.

The VFW views this proposal as being an egregious affront to this nation's veterans. It is a matter of fact and record that the government bears significant culpability for the tobacco-related health conditions of many veterans. In the midst of Congress's vigorous effort to hold the tobacco industry accountable for the cost and disabilities brought about by smoking, we would ask you why the Government is to be held to a lesser standard? Prohibiting VA compensation for smoking related disabilities effectively grants an unwarranted pardon at the expense of ill veterans.

Another point, the Craig/Domenici amendment assumes such a prohibition will, in fact, be enacted into law to cover the cost of $10.5 billion for highway and transportation

projects in violation of the Budget Agreement. If this does not come about, VA may be forced to make drastic cuts in the area of veterans health care (funded with discretionary dollars) in order to meet this obligation. This would be an absolutely unconscionable assault on veterans in need.

We urge you to consider your position on this matter. The upcoming House/Senate Conference on the budget presents a clear opportunity to correct this injustice. The VFW strongly believes that sick and disabled veterans should be top priority and should not take a back seat to road paving.

Sincerely,

JOHN E. MOON,
Commander-in-Chief.

PARALYZED VETERANS OF AMERICA,
Washington, DC, February 25, 1998.

Hon. JOHN MCCAIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR MCCAIN: On behalf of the members of Paralyzed Veterans of America (PVA), I must express our outrage at the egregious proposal to restrict the payment of certain benefits for service-connected disabilities in the name of fiscal responsibility and at the same time to using the accrued "savings" for other programs. The Administration has proposed legislation that would deny benefits to veterans for disabilities relating to tobacco use in the military. The rationale for slashing these benefits is that to live up to its commitments will be too expensive for the federal government. This alone is cause for outrage in light of the years of government promoted and fostered tobacco use by military personnel.

Compounding this travesty is the fact that we now hear of members of Congress proposing to use these monies, saved in the name of fiscal responsibility, to fund other programs and projects including highway construction. For too long veterans' benefits and programs have been cash cows for other federal programs. Veterans have contributed billions of dollars for deficit reduction through reduced or eliminated benefits, and every year veterans are asked to do more. Veterans' health care is in crisis with appropriations being frozen over the five-year term of the Balanced Budget Act, and in fact the requested appropriation for FY 1999 is a cut even below the freeze level. It is intolerable to propose cutting benefits for service-connected disabled veterans and using this money for non-veteran, pork barrel, programs.

We strongly oppose the Administration's proposal and find any attempts to use this money for programs that do not benefit veterans to be duplicitous at best.

Sincerely,

KENNETH C. HUBER,
National President.

DISABLED AMERICAN VETERANS,
Washington, DC, May 29, 1998.

Hon. JOHN MCCAIN,
U.S. Senate, Russell Office Building, Washington, DC.

DEAR SENATOR MCCAIN: On behalf of the more than one million members of the Disabled American Veterans (DAV), I write to express our extreme disappointment that Congress chose to raid veterans' disability compensation to pay for an already bloated transportation bill. This action was particularly egregious because it also came on the eve of Memorial Day, a day set aside by a grateful Nation to pay tribute and honor to those men and women of our Armed Forces who made the ultimate sacrifice so that all Americans, and many others around the world, could savor the freedoms we so richly enjoy.

What I find so amazing is the willingness of the leadership and many others in Congress to debase the legislative process to ensure an offset for huge spending increases for transportation. Congress pulled out all the stops to guarantee that the end justified the means. Clearly, the American public, and particularly veterans, were the losers in this battle.

To reach the unjustified end—robbing veterans' disability compensation to pay for transportation programs—this Congress took the unprecedented action of usurping the authorizing committee's jurisdiction. As the authorizing committee was considering the merits of the issue of paying disability compensation for tobacco-related illnesses, the Congressional leadership laid claim to all of the so-called "savings" from veterans' disability compensation, $10.5 billion, for transportation programs during the Senate Budget Committee deliberations. Further, the Senate's vote to take away this benefit was based on gross inaccuracies and misrepresentations contained in the Republican Policy Committee's talking points.

The Congressional Budget Office (CBO) estimated the "savings" from veterans' disability compensation at $10.5 billion. Although that figure was used by the Senate Budget Committee and passed by the full Senate by a margin of 6 votes, the transportation conference report on H.R. 2400 used the Administration's higher figure of $15.5 billion. This was done behind closed doors and without the knowledge of many of the transportation bill conferees. It was also accomplished with total disregard for the sense of the Congress, passed by an overwhelming majority in the House, and the motion to instruct the conferees not to use veterans' disability compensation to fund transportation.

It was appalling to watch how quickly the Administration lent its support to this misguided effort to plunder veterans' programs when the Congressional leadership chose to use the Administration's higher cost-savings estimate, thereby guaranteeing fewer cuts in the Administration's favorite programs.

Even worse was how quickly the leadership moved the transportation bill conference report to a vote to ensure that members would not defect after going home and meeting with their constituents on Memorial Day.

The vote is now a part of history, as is what Congress has done to veterans. However, as Congress focuses on the appropriation process in the upcoming weeks, I call upon you to make your voice heard to ensure that veterans' programs receive adequate funding.

While Congress can never make up for the injustice it recently perpetrated against veterans, it can ensure that the Department of Veterans Affairs (VA) health care system receives at least $1.1 billion in appropriations above the Administration's proposed budget to allow VA to provide necessary medical care to our Nation's sick and disabled veterans. Congress must also provide sufficient funding for VA to increase its employment levels in Compensation and Pension above the 7 new employees provided in the Administration's proposed budget. Too many veterans die before their claims can be properly adjudicated and too many dependents and survivors are forced to accept a small fraction of what the veteran would have been entitled to had he or she survived the enormous delays encountered in an understaffed adjudication division.

Instead of the patriotic speeches that veterans hear twice a year, on Memorial Day and Veterans' Day, and during tough debates on the floors of Congress, I call upon you to get involved, in a meaningful way, and make your voice heard to ensure that VA receives adequate funding. Please do not sit back and wait for others to do what is right. Let your colleagues know that you support adequate funding levels for VA.

Thank you for your support of our efforts to obtain adequate resources to substantially improve the quality and timeliness of the VA benefits delivery and health care systems.

Sincerely,

HARRY R. MCDONALD, JR.,
National Commander.

Mr. MCCAIN. Mr. President, before I yield the floor, I thank Senator BOND and Senator SPECTER, as well as Senator ROCKEFELLER and Senator CAMPBELL, for their advocacy on this issue. I believe the amendment that we are proposing, which will provide $3 billion—$600 million a year—taken out of all four of the funds that are funded by this bill is appropriate. I don't believe it is enough, given the number of veterans who are afflicted by tobacco-related illnesses, but I think it is a step in the right direction. I hope it will provide some solace and comfort to the obviously outraged and injured veterans community in America.

I understand that everybody has their priorities around here. Highways are important. Bridges and subways are important. I was up in Massachusetts recently, I say to the Senator from Massachusetts, and the "Big Dig" in Boston Harbor, which may never be completed—it may be one of the ongoing projects in history—is important. But I have to ask a question that I think deserves an answer: Are our priorities such that the men and women who served in the military, who we encouraged to smoke up to and including the Vietnam conflict, are to have a lower priority than a highway or a bridge?

I am puzzled and obviously somewhat angered that the procedure happened as it did where a veteran who incurs a tobacco-related illness is now labeled "malicious conduct." That is just something I do not understand nor, frankly, do most of my colleagues. I hope it can be fixed. I understand there may be a technical corrections bill to the highway bill, and I hope it can be fixed. But at the same time, I feel in the strongest terms that we ought to address this issue of tobacco-related illness as it applies to veterans.

UNANIMOUS CONSENT AGREEMENT

Mr. President, I ask unanimous consent that the pending amendments and motion be laid aside to consider the McCain-Kerry-Rockefeller-Bond-Campbell-Specter amendment relative to veterans and that no further amendments or motions be in order prior to the vote. I further ask unanimous consent that the vote occur on, or in relation to, the amendment on Thursday morning, notwithstanding rule XXII.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 2446 TO THE MODIFIED COMMITTEE SUBSTITUTE

(Purpose: To ensure funding for Veterans' Administration treatment of tobacco-related illnesses, and for other purposes)

Mr. McCAIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. McCAIN], for himself, Mr. KERRY, Mr. BOND, Mr. CAMPBELL, Mr. ROCKEFELLER and Mr. SPECTER, proposes an amendment numbered 2446 to the modified committee substitute.

Mr. McCAIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 403, beginning with line 3, strike through line 19 on page 407, and insert the following:

SEC. 1301. VETERANS' ADMINISTRATION TOBACCO-RELATED HEALTHCARE AND COMPENSATION PROGRAMS.

(a) IN GENERAL.—The Secretary of the Veterans' Administration shall use amounts under subsection (b) to carry out tobacco-related healthcare activities under chapter 17 of title 38, United States Code, and to provide other appropriate assistance for tobacco-related veterans' health care illnesses and disability under such title.

(b) FUNDING.—From amounts in the trust fund established under section 400, not less than $600,000,000 per year are to be used to carry out Veterans' Administration tobacco-related healthcare activities under subsection (a) to the extent and only in the amounts provided in advance in appropriations Acts, to remain available until expended.

(c) PUBLIC HEALTH SERVICE ACT AMENDMENTS.—Section 1981C of the Public Health Service Act (as added by section 261 of this Act) is amended—

(1) by inserting "veterans," after "uninsured individuals," in subsection (a)(1)(D); and

(2) by inserting "veterans," in subsection (b)(1)(H) after "low-income,".

Mr. McCAIN. Mr. President, before I yield the floor, I want to say a word about Senator BOND especially who has done hard work on this issue.

He defended the issue in the Veterans' Affairs Committee, along with Senator SPECTER, Senator ROCKEFELLER, and Senator CAMPBELL. I am very grateful for his efforts. And I know the veterans of Missouri as well as this Nation are deeply appreciative of his efforts. I also know that the Senator from Missouri, and perhaps the Senator from Pennsylvania, and the Senator from West Virginia, Senator ROCKEFELLER, may have additional requirements in order to address this issue. And as he and I know, this is just a beginning to try to address this problem.

Mr. President, I yield the floor.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I thank my colleague from Arizona. I am delighted to join with him, with Senator ROCKEFELLER, and with others, in proposing this fix, which in our judgment is compelling beyond description. I think the reactions that we received from members of the veterans community were to be expected and, frankly, were really an unfortunate consequence of some of the things that happen around here.

I think the veterans community had every right in the world to question whether people here had lost all sense of priority and all sense of connection to the kinds of commitments that we make along the way and certainly the good faith relationship between those who have served their country and had a certain set of promises made to them—I might add, not things that they requested originally, not things that were the conditions automatically of their service, but were, in a sense, the rewards to that service given at a time later on. And all of a sudden to find that, in the hurly-burly of the moment, people are so little connected to the meaning of that service, that there is sort of a grab that takes place for money for bridges and roads in the transit bill, to the exclusion of legitimately rightfully earned benefits that come as a consequence of serving the country, is really quite extraordinary. I think their anger was well placed and understandable.

I am pleased that this afternoon we are going to take sort of the largest step we can take, in the context at least of this bill, but which will have a significant impact in redressing that by providing about $600 million available each year over a 5-year basis to the Veterans' Administration for the use for smoking-related disease, compensation and health care. I think that that is most appropriate.

I am delighted that the Senator from Arizona and I were able to get sort of a consensus to be able to immediately move to send a very clear message to the veterans community that the Senate recognizes what occurred and does not concur with that particular action and is moving now to try to address it.

As we do that, Mr. President, I also—and I know my colleague from Missouri wants to speak, so I will not take a long time here—but I do want to also highlight that the entire purpose of this legislation is geared towards children and towards reducing the level of smoking in our society. I will have more to say about that in the course of the afternoon.

But I think it is critical that we remain focused on the smoking-related aspects of this legislation rather than some of the other attempts to sort of grab some of the revenue and use it for worthy but nevertheless nonrelated causes. And I think it is critical that we try to maintain the fundamental purpose of the legislation.

This morning, out on the swamp, we met with a young group of kids who were part of Smoke-Free Efforts in America. Some 18 kids joined with a bipartisan group of Senators—Senator DEWINE, Senator CHAFEE, Senator McCAIN, Senator KENNEDY, Senator CONRAD, and other Democrats—and, together with these kids, the point that was trying to be made was that there is only one reason that the U.S. Senate has come to the point of considering this tobacco legislation. That single point is to try to do the best job we can to reduce the level of teenage smoking and ultimately reducing the number of children who, when they become adults, will die early as a consequence of learning how and becoming addicted to smoking as teenagers, realizing that, of the 45 million Americans who smoke and are fundamentally addicted to smoking, 86 percent of them started as teenagers.

That is the purpose that brings us to the floor. And for those who have been concerned about costs, we will reiterate again and again and again, the true tax on America is not the voluntary tax paid by somebody who picks up a pack of cigarettes, it is the involuntary tax paid by millions of Americans to pay for the $80 billion a year of medical costs for those who are smoking, and to pay for the 420,000 people a year who die as a consequence of smoking-related diseases, and the $25 billion of health care, under Medicaid and Medicare, that is picked up by everybody in the United States involuntarily in order to pay for the results of a narcotic, killing substance that we allow to be sold across the counter.

While we are not, obviously, prepared to stop that altogether, we know enough about the addiction and enough about the downside of the disease that we are prepared to have the FDA finally regulate it and we are prepared to try to minimize the exposure of our children to this killer substance.

That is what this debate is about. It is not about some concoction on the Senate floor to try to find additional revenue. Dr. Koop, Dr. Kessler, the American Cancer Society, the American Lung Association, the Treasury Department, a host of entities, have all agreed, the single best way to reduce the level of teenage smoking is to raise the price. And, most importantly, the tobacco companies themselves have made that statement clear in their own memoranda, in their own documents.

So that is what we are here for. That is what I hope the U.S. Senate will accomplish.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I rise in support of the amendment by Senator

MCCAIN and my colleague from Massachusetts, Senator KERRY.

I ask unanimous consent that Senator COVERDELL be added as a cosponsor of this amendment.

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

Mr. BOND. He sent a message in asking to be listed as a cosponsor.

I want to follow up on the comments of my distinguished friend from Massachusetts, a distinguished veteran himself. He talks about the purpose of this bill being to deter teenage smoking. And I believe that we must keep our focus on that as the principal goal.

Personally, I believe that raising the price of cigarettes alone is not going to be enough. I think we have to have advertising restrictions and a counteradvertising campaign. But we also must have sanctions on teenagers. If it is illegal, and if they purchase—knowingly purchase—cigarettes in violation of the law, there ought to be sanctions; there ought to be graduated sanctions. There ought to be sanctions that apply to their parents as well, because just raising the price and putting burdens only on the sellers may make this a thrill-seeking opportunity for some teenagers. I believe that among the amendments, we need to adopt that there be tougher sanctions on teenagers.

Let me address this amendment that Senator MCCAIN and others have presented. I was one who strongly objected to the use of the particular offset from the veterans smoking program for the highway measure. I was joined in that by my colleague, Senator SPECTER, the chairman of the Veterans' Affairs Committee. And as I think all our colleagues know, Senator SPECTER has been temporarily sidetracked with an operation. Our thoughts and prayers are with him and his family. We expect him to be back very shortly.

Before he left, he and I discussed the need to offer an amendment on this measure to provide adequately for veterans health care issues. And this is a very good start. I will want to confer with Senator SPECTER's staff and others to find out what else we can do to make sure that the veterans of this country are adequately cared for in terms of their health care.

Let me go back and tell people where this came from, because a lot of people were surprised when this became the offset. Well, this was the offset because it was insisted upon by the administration in its negotiations with the Congress. The smoking program for veterans came about as a result of an official in the Veterans' Administration, and yet the OMB and the White House said, "We're not going to pursue this program."

I have the pleasure and the responsibility of appropriating money for the Veterans' Administration. And over the last several years, I have routinely put more money in, with the support of my ranking member, Senator MIKULSKI. The committee, and the full committee, put in more money than has been recommended for veterans health care by the administration to make sure we keep our word to the veterans to take care of their health care needs. And in this instance, the White House has told the Veterans' Administration not to proceed with the program. When the VA officials came before our committee, I asked them if they were prepared to implement the program. They said they were not.

I asked what they needed. They suggested hundreds of millions of dollars in administrative costs to handle the claims. They said they were not planning on administering the program.

So they started the program through the action of an official in the Veterans' Administration, and then the higher political authority said it was time to cut it off. In negotiations with the relevant committees in the House and the Senate, they said this must be the offset for the highway bill. The highway bill was passed by both Houses and it was time that we spent highway money on highways and transportation needs.

I do oppose the use of spending offsets from the veterans health care to pay for it under the budget rules, but in this amendment, and perhaps in additional amendments, we will have an opportunity to restore from the proceeds of the tobacco taxes money badly needed for veterans health care programs. We have met with the veterans budget group, the representatives of veterans who have suggested about a billion a year in addition is needed for veterans health care programs. That is the target that Senator SPECTER and I have. We will work to see if we can, through this piece of legislation, restore funding for veterans health care to make sure that we do care for our veterans.

Our veterans are going through a time of change. The veterans' needs are different. There is more need for outpatient facilities, more need for veterans homes, more need for long-term care rather than acute care. I commend Dr. Kizer, the head of the veterans health side, for his extraordinarily strong efforts in spite of the difficulties posed in reforming the Veterans' Administration health care to make sure that the health care being provided to the veterans is what they need.

There have been some tough measures taken. In my State, they cut off the surgery center in one community on our southern border because they said they weren't doing enough surgeries to maintain proficiency. Frankly, this was not popular when you looked at it from the community as a whole. But I can tell you, the veterans who were to receive surgery, and their families, are certainly better served if those veterans can be given that service in an area where they perform frequent operations and maintain their proficiency. We have opened, instead, veterans primary health care facilities around the State so veterans don't have to travel 100 or 150 miles one way to get primary health care.

I commend the Veterans' Administration for moving in the right direction to make health care readily accessible to those veterans who are entitled to health care programs. We need to continue on that path. We need to continue to see that we are providing the kind of health care services in the location and in the format where they are most needed. This amendment by Senator MCCAIN is an excellent step in the right direction.

I will go back to work in an hour with the Environment and Public Works Committee, which is having a meeting on the technical corrections, because I agree with the comments of Senator MCCAIN that putting phraseology about willful misconduct as it relates to cigarette smoking is totally uncalled for. At this point, no one seems to be able to pinpoint the draftsmanship of it. But wherever it came from, it was wrong. I think it was wrong to take the money as an offset in the first place. But it is certainly unacceptable for us to have a policy statement saying that veterans who smoked the cigarettes that were given to them by the military—at smoking times designated by the military when they turned the smoking light on, when they provided cigarettes, the C rations, when they provided cigarettes in smoking areas—to say they were doing something wrong when they took advantage of the cigarettes and smoked is not only nonsensical, it is outrageous. We apologize to the veterans of America. We need to change that. That is totally unacceptable.

We hope by passing this amendment that we will begin to get the resources that are needed to the Veterans' Administration to provide for the health care needs of our veteran population. The Veterans' Administration is doing some wonderful things. They have made great advances, treating injuries that came out of wartime. They are now becoming more and more experienced and more skillful in dealing with problems that aging veterans have. We do have a significant aging veterans population. That makes the localized, primary care facilities, privately contracted health care clinics for veterans much more accessible and therefore convenient to veterans. We need to have these additional resources available to the Veterans' Administration so we can meet our commitment to the veterans and make sure that they receive the kind of health care they have a right to expect and which we think they have earned.

I appreciate very much the leadership that Senator MCCAIN has provided on this. With all of the other cosponsors, I am confident we will have an opportunity to get a good, strong vote on behalf of this measure. I urge my colleagues to support the amendment when it comes before the Senate on Thursday. As I indicated, we will be conferring with Senator SPECTER as he recuperates. I know he has strongly supported veterans and wanted to be here for this amendment. We are doing this in his behalf and will continue to work with him to provide additional resources for veterans as and where we can find them and they are necessary.

I yield the floor, and 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. KERRY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KEMPTHORNE). Without objection, it is so ordered.

Mr. KERRY. Mr. President, I know the Senator from North Dakota, Senator CONRAD, is coming to the floor to take a few minutes to share some thoughts with colleagues. But before he arrives, I just wanted to take a minute to refocus some of the discussion that we had earlier this morning, and perhaps in the waning hours of a week ago, and that is to address this question that has been raised by a number of opponents to the bill.

The tobacco industry is now spending multimillions of dollars across the country. A number of colleagues heard in their home States their names being mentioned in radio ads as opponents are being ginned up to try to stop this bill. Americans should understand as they listen to these advertisements.

I heard one of the advertisements that Dr. Koop is doing. Dr. Koop wisely asks every American to stop and consider the source of the advertising against the bill. When you hear people talk about big tax or big Government, or to stop the big hand of Washington from reaching in, all of these things try to elicit a kind of primal response that most of us have in America about politics and Washington and being told what to do, and so forth. It is all a very legitimate feeling, but the tobacco companies are trying to once again fake it with Americans. They are trying to once again cloak the reality of what is happening here. They are, ironically, doing so even as they settle lawsuits in certain parts of the country that have them doing the very things that they are fighting us doing on a national basis.

Let me be more specific. In Minnesota, they have just come to a settlement for literally billions of dollars over a number of years. They have agreed to most of the terms that the attorney general was fighting for. They are going to engage in many of the programs that we are hearing colleagues come to the floor saying, no, no, no, don't do that. But the tobacco companies are actually entering into agreements with the attorneys general to do these very things. If you take the amount of money that the tobacco companies have agreed to in these States individually and you extrapolate that and apply it to the concept of a national settlement, you in fact wind up with more money being raised and dispensed than we are trying to do in this legislation.

So there is an enormous amount of duplicity—both duplicity, I suppose, and hypocrisy in what the big tobacco companies are trying to do. Dr. Koop says, "Be wary of who is sponsoring these ads." When you hear the list of sponsors, you know that the very same people who told America that they weren't selling an addictive substance, the very same people who said to America, "Oh no, no, no, we are not targeting young people," are back again with a series of advertisements to try to distort the debate.

The fact is that we have also heard a lot of focus about the cost of raising the tax on a pack of cigarettes, raising the fee on cigarettes, a tax, or whatever you want to call it. The price of cigarettes go up; that is the bottom line. The bottom line is that the cigarette companies themselves signed onto an agreement earlier in the summer, last year, that would have wound up doing exactly that. They agreed to raise the price. And the reason they agreed to raise the price was because everybody agreed that by raising the price, we would reduce the numbers of young people who would access cigarettes. We also know, according to every analysis, that the more you raise the price—every 10 cents that you raise the price, there is a 5- to 7-percent reduction in the numbers of kids who are smoking. So these are not pennies of taxes, these are lives of children that you are saving because we know that every 3,000 kids who get hooked on smoking every day, 1,000 of them are going to die early.

We know that from the statistics. We know that 420,000 people die every year of tobacco-related diseases. It is a phenomenal, staggering number of people. It is phenomenal enough that we lose something like 58,000, I think it is, in traffic accidents, or due to driving under the influence, and so forth, over a year in America. We are talking about, five, six times that now that we lose, as a consequence, or six or seven times that that we lose as a consequence of smoking—every year. And every one of those people don't just suddenly die without any cost, except in the case, I suppose, of those who have heart disease related to smoking and suffer a massive coronary. But for those suffering from cancer of the larynx, or cancer of the throat, or cancer of the pancreas, or any of the forms of cancer, or kidney disease, which come from smoking, those are prolonged and very expensive diseases.

We know to a certainty that people with those diseases are paying many tens of thousands of dollars more than people who aren't suffering from those smoking-related diseases. The truth is also that many of those people don't have health insurance, or many exhaust their health insurance. Then what happens? Mr. President, then every single American is taxed. It is the tobacco tax; it is the unwanted, unasked-for tobacco tax in America that every single one of our citizens pays to cover the cost of the deaths, the cost in the loss of productivity, the cost of the health care—$80 billion a year—and the Medicare costs of tobacco-related disease alone, which is $24 billion; $24 billion is parceled out by Americans, right out of their pockets, to cover the costs of other Americans smoking.

So we need to stay focused and understand that all of the 98.5 million American households are each paying the unwanted tobacco tax of $1,370 a year for smoking. That is the cost of not passing a tobacco bill. That is the cost of leaving the situation the way it is today.

America, if you want a tax cut, you want this bill passed because this bill offers tax relief by reducing the numbers of young people who will become smokers and, ultimately, the amount of our hospital and health care costs in this country. This is a tax cut bill. The only people who pay an additional tax are voluntary. If you go and buy a pack of cigarettes, which nobody is forcing you to do, you pay an additional amount for that pack of cigarettes.

Now, they pay that amount in Canada. They pay that amount in Europe. When we finish raising the price of a pack of cigarettes in the United States by the $1.10 that is in this bill, we will still be lower in the cost of a pack of cigarettes than some European countries. We will be at the mean, at the average of most European countries. That will reduce smuggling between the United States and Europe. It will equalize our payments, and it will allow us to do the other things that the Senator from Missouri, Mr. BOND, just said we need to do—the outreach programs, the cessation programs, the counteradvertising programs, all of the things that buttress the raising of the price and help us create a compliance rate in this country that is significant.

I must say also it is a known fact that cigarettes are a gateway drug, and they are a gateway to marijuana or to other drugs. It is a known fact, just as marijuana is a gateway drug to other drugs. So if you want to deal with the

drug problem that we have heard a number of colleagues come to the floor and talk about, if you want to reduce the dramatic increase in the number of our young people smoking marijuana, then this is a way to also begin. This is not just an anticigarette program. This is an antinarcotic substance program. It is an antidrug program. And the way you provide a comprehensive drug program—just ask Gen. Barry McCafrey—is by having a comprehensive program on the demand side.

I saw today that Admiral Kramek, Commandant of the Coast Guard, just retired, and I have dealt with Admiral Kramek over the last years through the Commerce Committee on the Oceans Subcommittee. Year after year, he would come before our committee as the Coast Guard has been charged more and more with the responsibilities for dealing with drugs but less and less money has been going to them, less and less capacity to do the greater amount of work on the demand side and interdiction side.

So here is an opportunity for us to do something further with respect to the overall drug policy of this country. If our young people can be the beneficiaries of the kind of cessation and self-esteem programs that are part of this effort and part of our States' efforts now, we have a much greater hope of having young people who will be able to say no—not just say no to this narcotic, smoke that goes into their lungs, but say no to the other narcotic smoke that goes into their lungs.

So this is a program that in our best estimate is a very significant tax reduction, long-term investment in the young people of our country. It is a way to reduce the overall costs of smoking to our Nation. It is time for the Senate to take that action which hopefully can resolve some of the remaining issues that we have on this legislation.

I am very hopeful that we can work out an approach in a number of those difficult areas that still remain so that we could rapidly move forward. I think there is a capacity to do that if Senators are determined to try to act in good faith, and that will obviously be the test of the next days.

I see the Senator from North Dakota is now here, and I yield the floor.

Mr. CONRAD. Mr. President, I thank the Senator from Massachusetts for the extraordinary leadership he has brought to this issue. The Commerce Committee was given jurisdiction over this matter, and the Commerce Committee reported out a good beginning, a bill that provided a floor from which we could move in this Chamber to strengthen the provisions that were reported out of the Commerce Committee. Indeed, over a series of weeks, there was a negotiation between members of the Commerce Committee and representatives of the White House, and others, to improve what was reported out of the Commerce Committee, and, indeed, this bill was improved and improved dramatically, and in no small measure because of the leadership of the Senator from Massachusetts, Mr. KERRY. I want to recognize the tremendous contribution he has made to this legislation.

Mr. President, sometimes I think we get lost around here as to what this bill is about. Some of our colleagues talk about this as a tax bill. They talk about it as every other kind of legislation other than what it really intends to do. This legislation is intended to protect the public health and to reduce youth smoking. That is the fundamental reason for this bill.

I know it gets confusing because we have had some of our colleagues who really are the apologists for the tobacco industry who are out here trying to confuse the issue, and they are talking about every subject under the sun other than protecting the public health and reducing youth smoking. They are talking about all kinds of issues that are really sideshows, and they are doing it to try to distract attention from the fundamental question: are we going to protect the public health? Are we going to do something serious about reducing youth smoking? I think it is very simple. This debate is about kids, and it is about health. It is about stopping the tobacco industry's cynical attempt to hook our kids on a deadly and addictive product.

At the end of the day, the hard reality is this is the only legal product sold in this country when used as intended by the manufacturer that addicts and kills its customers. That is harsh language, and I am not somebody who is given to harsh language. I am a Scandanavian. We Scandanavians typically do not talk in harsh terms. But after chairing the task force on tobacco on our side of the aisle for 6 months, I must say I have developed a very strong view about what this industry is doing to our country and what it is doing to our kids. That impression was indelibly changed by the release of what had been secret documents, documents we had never seen before. Document after document after document, that were the industry's own documents, revealed what they have been up to—what they knew and what they told the American people. And the two are at very great variance.

We all remember when the executives of the tobacco industry came before Congress and swore under oath that their products did not cause serious disease problems. They swore under oath that their products were not addictive. They swore under oath that they had not targeted our children. And they asserted that they had never manipulated nicotine levels to further addict our kids.

Now, with the release of their documents, we now know that each and every one of those claims, each and every one of those statements, was false. I do not know how else to say it. It is just as clear as it can be. They did not tell the truth. The fact is they knew at the time they were here swearing under oath that their products caused serious health problems. They knew that they were targeting our kids. They knew that their products were addictive. In fact, in their internal memos they talked about how important that was to the effectiveness of their various campaigns to children. The fact that their products were addictive strengthened their position financially. And it is now absolutely clear from reading their documents that they knew they were manipulating nicotine levels to further hook kids.

All these things are very clear. Let me just show you one chart. I developed, after the work on this task force, the "Top Ten Tobacco Tall Tales," and the corresponding truths. No. 10, the tall tale told by the tobacco companies was they do not market to children. That is what they said. They came to my office and said, "Oh, no, Senator, we don't market to children; it is illegal to sell to children. There is no way we would condone marketing to kids."

Well, the truth is from their own documents. This is from a Brown & Williamson document that was released in the court actions, and I quote:

> The studies reported on youngsters' motivation for starting, their brand preferences, as well as the starting behavior of children as young as 5 years old . . . the studies examined . . . young smokers' attitudes towards addiction, and contained multiple references to how very young smokers at first believe they cannot become addicted, only to later discover, to their regret, that they are.

These are their documents. I could speak a whole afternoon just from their documents. They are the most damning things that could be presented in this debate, because one document after another indicts this industry. They have lied to the American people, and their own words reveal it.

Why is it important to take on this battle and win it now? Let me just review a few of the facts on tobacco use and its cost to society. Despite decades of misinformation, there can be no question that tobacco imposes enormous costs on society. Some of our colleagues have said: Look, you are going to impose a regressive price increase on those who are the customers. Mr. President, this industry has been imposing costs on all of us, and they have been doing it for a long time. That is the hard reality.

First, there are the human costs. Obviously, they are the most important. Tobacco is the No. 1 preventable cause of death in America today. Mr. President, 425,000 of our fellow citizens die every year from tobacco-related illness. That is a fact. That is one tobacco-related death every 75 seconds.

Every 75 seconds, somebody dies in this country because of tobacco-related illnesses. That is a fact. For each of those deaths, there are dozens of Americans who are struggling with terrifying illnesses and terrifying diagnoses from their habits and their lifetime of smoking addiction. There are dozens of friends and relatives and loved ones who must also pay the price and experience the pain caused by tobacco products.

Second, there are future costs. Three thousand children start smoking every day in this country. One thousand of them will die prematurely from smoking-related illnesses. If we don't act to stop kids from starting to smoke, we condemn those children to a future painful death. They are not adults making a decision fully informed; they are subject to a massive advertising and marketing campaign by this industry, targeted directly to them.

Make no mistake, that is precisely what this industry has done. Again, their documents reveal that they have targeted teenagers, and they have targeted them because they have understood they have to have replacement smokers for the 425,000 of their customers who die every year. They know it is best to get them when they are young. That is when kids are looking to rebel, looking to make a statement as to their maturity. What better way than to take up the habit of smoking? That has been the message of the tobacco industry, and they have done it knowingly. Make no mistake about it, they have done it absolutely knowing what they were doing, and the documents reveal it.

Third, there are the financial costs. The Treasury Department reports that tobacco use costs American taxpayers $130 billion a year. We hear from our friends, some who are on the other side, who say: Wait a minute, if we increase the prices, it is going to impose a regressive tax on those who are the customers. How about all the folks in this country who are having costs imposed on them, $130 billion a year? They didn't choose to have these costs. They didn't choose to pick up the tab for somebody's lung cancer. They didn't choose to pick up the tab to cover the cost because of lost productivity in this society. Those costs are being imposed on them, and those are regressive, and they are far higher than the health fee that we would be imposing here to redress the imbalance of $130 billion a year. That is what this industry is costing America, and we are asking $18 billion or $20 billion as a balancing mechanism, imposing a health fee to start to ask this industry to bear a fairer share of the costs they are imposing on all the rest of us. That is not unreasonable or unfair.

Of the $130 billion a year of costs being imposed on American taxpayers by this industry, $60 billion is direct health care costs—higher costs for Medicare, higher costs for Medicaid, and for private health insurance. When we hear them say: Gee, you are going to raise the prices, and that is going to be regressive and have an adverse effect on low-income people in this country—nothing could have a more regressive effect, nothing could have a more unfair result than sticking $130 billion in costs onto the American taxpayer, costs that are borne disproportionately by those with low incomes, because they are the ones who smoke the most. They are the ones who have most of the health-related disease. They are the ones who are disproportionately picking up the tab. These are costs that are borne by all taxpayers, and, as I say, it is time to redress the imbalance.

As I headed this task force, we heard from the victims. We had hearings all across the country, and we listened to the victims. I can remember so well a young woman named Gina Seagraves, who testified in New Jersey about her mother dying at a young age, and what it did to their family, how devastating it was when her mother died, how it really disrupted their entire family.

I remember very well a big, tough football coach who came and testified. When he testified, you could barely hear him. He spoke in a very raspy voice, and he spoke that way because, as he told the committee, he had developed cancer of the larynx, and when it was diagnosed the doctor said, "We have one chance to save your life, and that's for you to undergo a laryngectomy and have your larynx taken out. And if we do not do it now, you are going to die."

This big, tough football coach told us of the terror he felt when the doctor looked across the examining table from him and told him, "If we don't operate, and operate now, you are going to die." He told us about how he feels now when he goes back to the high school where he is also the assistant principal, and he sees kids lighting up. He thinks to himself how much he had hoped that his story could prevent some of them from taking up the habit, because he started when he was 14 or 15 years old, was unable to quit, was addicted. He said: "You know, if I could just convince a few of these young people that they are going to suffer the same fate I did, maybe I could make a difference. Maybe I could prevent some of the suffering that I have experienced."

Those were not the only victims we heard from. We heard from a Mr. Harold Taylor, who testified that he began smoking when he was 15, eventually developed cancer of the throat. His larynx and his vocal cords were removed, much like Mr. Fravenheim. The operation left a hole in his neck, and he will have to live with that for the rest of his life. Because of that hole in his neck, he can never again breathe through his nose or mouth. He told what it is like to have this particular disability. He has lost his sense of smell. He can no longer enjoy the smells that we take for granted. He said he always loved to walk into his wife's kitchen and smell whatever was cooking there.

He walks in now and doesn't smell a thing. He has also lost his sense of taste. He has told us he is unable to distinguish between a bowl of spaghetti and a bowl of beans.

We also had the opportunity to hear from a Ms. Janet Sackman from Long Island, NY. Ms. Sackman had a successful modeling career. Ironically, she was a model for the tobacco industry. That success had a tremendous price. In 1983, she was diagnosed with cancer of the larynx and had her vocal cord and larynx removed. She completely lost her ability to talk. She was only able to testify because she learned esophagal speech, which is very, very difficult.

She was encouraged by the company that hired her to take up smoking. In fact, it was in her contract. They required her to take up smoking in order to be paid to be a model for the tobacco company for which she worked.

To listen to these victims is a powerful experience. This particular woman's suffering has continued. In 1990, after being diagnosed with lung cancer, she had one-third of her lung removed. Again, this was a woman who took up smoking not because she wanted to, but because she was a Lucky Strike model, and Lucky Strike in her contract required her to take up smoking. She did, became addicted, and now has suffered these incredible health threats.

A third witness, Mr. Alan Landers, was a Winston man, Winston cigarettes. He was a representative of the company. He was told to portray smoking as stylish, pleasurable, and attractive. Indeed, he is a very handsome man, a very stylish man. He was required to smoke on the set to achieve the correct appearance.

The tobacco industry did not tell Mr. Landers what they knew at the time, because as early as the 1950s, tobacco industry scientists had already established from their own research that smoking caused very serious health risks.

In 1987, Mr. Landers learned the true danger of cigarette smoking when he was diagnosed with lung cancer. Although 95 percent of lung cancer victims do not survive, Mr. Landers has had large sections of both lungs removed and is suffering from emphysema, while he waits for his day in court. I can tell you, Mr. Landers knows that his chances of ever getting to court are limited because he is under a death sentence.

I could go on and on talking about the victims from whom we heard. Everyplace we went, every community we

visited, people came up to us and said, "You know, my father died of a tobacco-related illness;" "my mother," "my aunt," "my brother," "my sister"—the emotional pain that is out there brought on by the use of these products is staggering.

I grew up in a family where virtually nobody smoked. My grandfather did. He died at a ripe old age. I don't know if a tobacco-related illness was a part of his death, although I wouldn't be surprised if it was. He was a heavy smoker. Of the others in my family, very few ever took up the habit. But in traveling around the country, holding the hearings of this task force, we heard over and over and over of the addiction, disease, and death caused by these products.

Some have said, "What are you going to do about it? What business does the Government have to do anything about this? The Government ought to stay out of it. This is a personal decision whether somebody smokes or not." That is true, it is a personal decision. But you know what? There is more than the individual involved, because this industry, as I have described, is imposing enormous costs on all the rest of us. I chose not to smoke, but I am picking up the tab for those who have chosen to smoke. Mr. President, $130 billion a year are the costs that are being imposed by this industry—$130 billion, $60 billion in direct health care costs every year—$60 billion; Medicare, $20 billion; Medicaid, $12 billion, $13 billion a year. We are paying for costs imposed by that industry, and they are not covering the tab, make no mistake about that.

That is the hard reality of what is occurring. If we want to do something about it—every witness who came before our committee said there is no silver bullet, you have to have a comprehensive approach. You have to do all kinds of different things to reduce the level of youth smoking.

Why is youth smoking so important? Because we know that 90 percent of smokers take up the habit before they are 19, about half before they are age 14. When somebody is not hooked when they are young, they probably are not going to get hooked. That is in the tobacco industry documents. They knew they had to get people when they were young. They knew when somebody didn't start when they were young, they probably were not going to take up the habit.

Some of the comments in the tobacco industry documents are startling. I remember one is: How are you going to get somebody to take up what is really a dirty habit and unpleasant? You have to convince them that it is cool, you have to convince them that it shows maturity, that it is stylish.

The cynicism of this industry in trying to hook kids is really incredible. Here is a 1972 Brown and Williamson document:

It's a well-known fact that teenagers like sweet products. Honey might be considered.

They are thinking about putting honey in cigarettes to attract teenagers.

Smoking a cigarette for the beginner is a symbolic act. I'm no longer my mother's child. I'm tough. I'm an adventurer. I'm not square. As the force from the psychological symbolism subsides, the pharmacological effect takes over to sustain the habit.

That was from a 1969 draft report to the board of directors of Philip Morris.

Here is a good one. When the industry comes up here and says, "We never targeted kids," this is a quote from a 1973 RJR marketing memo:

Comic-strip-type copy might get a much higher readership among younger people than any other type of copy.

Talk about cynical; talk about people who are thinking about themselves and didn't give a hoot what the effect was on somebody else. And they say they didn't target kids?

I have read the documents. Document after document shows they directly targeted kids as young as 12 years old. That is who they are going after. These Joe Camel ads, do you think they designed those to go after adults? No, no, no. They designed those ads because they knew that they were slipping among the youth market, and they were trying to figure out a way to get to the kids. So they said comic-strip-type might get a much higher readership among young people. That is where Joe Camel came from. How brilliant that strategy was. It really worked to hook kids.

Here is another 1973 Brown and Williamson memo:

Kool—

That is a brand—

Kool has shown little or no growth in the share of users in the 26-plus-age group. Growth is from 16 to 25-year-olds. At the present rate, a smoker in the 16 to 25-year-age group will soon be three times as important to Kool as a prospect in any other broad-age category.

You have to wonder what these people thought when they went home at night after writing these memos, after coming up with these strategies, after coming up with these marketing schemes to hook kids. I wonder if they were proud of themselves when they went home at night.

Here is another 1973 memo from an RJR assistant director of research and development. And I quote:

Because brands of the new type continue to show vigorous growth in sales; because a high proportion of beginning smokers are learning to like Marlboro, the leading brand of the new type; and because we have no current brand in this newly identified, major segment of the market; it has become appropriate for us to consider moving our present brands in the direction of the new type of cigarette.

And why? Because they needed to hook beginning smokers. Well, it goes on and on and on. The documents are so overwhelmingly clear.

Evidence is now available to indicate that the 14- to 18-year-old [age] group is an increasing segment of the smoking population. RJR-T[eam] must soon establish a successful new brand in this market if our position in the industry is to be maintained over the long term.

That is a 1976 draft report, "Planning Assumptions and Forecast for the Period 1977–1986 for R.J. Reynolds Tobacco Company."

"Evidence is now available to indicate that the 14- to 18-year-old [age] group is an increasing segment of the smoking population" and they have to establish a successful brand there if they are going to be successful.

Mr. President, I go back to the basic question: What do we do? We know we have a problem. We know people are suffering from addiction, disease and death. As I said earlier, every witness that came before us said you have to have a comprehensive approach. No single thing will address this health threat, and that is what the McCain bill does. It pursues exactly the sort of comprehensive approach that every public health expert has testified is necessary.

Yes, it contains price increases. And why? Because every study, every public health expert has told us that price increases are the most effective thing to reduce consumption and use, especially important among young people. The studies indicate that for every 10-percent increase in price, you get a corresponding 5- to 7-percent reduction in consumption among youth.

These studies are consistent. They are clear. They are not done by the tobacco companies. They are not done by the apologists for the tobacco companies. They are done by the scientific community. They are done by the Congressional Research Service. They are done by the National Institutes of Health. They are done by the American Cancer Society, the American Lung Association. Those are the people that I intend to listen to in this debate.

I am not going to be listening to the sweet swan song of the tobacco lobby who, by the way, have hired virtually every lobbying firm in this town. In fact, I am told they have hired a lobbying firm for every U.S. Senator. And I would not be surprised if it is true.

As you look at the list, they are spending hundreds of millions of dollars on this attempt—hundreds of millions of dollars to mislead the American people; hundreds of millions of dollars to influence public opinion; hundreds of millions of dollars to try to fool people here in the Congress of the United States.

I had a man call me from North Dakota the other day. He got on the phone with me, and he said, "Senator, I'm against that tax bill." I said, "What tax bill are you talking about?" He said, "I don't know." He said, "I had somebody call me and ask me if I was against taxes. I told them I was,

and he said, 'I'll connect you with your Senator right away.'" He said, "I didn't even have to call. They connected me to your office." And he did not even know what the bill was about, but he knew he was against it because they asked him if he was against taxes.

I tell you, these guys are shameless. They are shameless in what they have said up here. They are shameless in the negotiating strategy they pursued on this legislation, and they are shameless in what they are saying to people trying to mislead them about this legislation.

This bill, sponsored by Senator MCCAIN—yes, it contains price increases because that is central to any strategy to actually reduce consumption and to save people's lives. But it does much more than that. It clarifies the Food and Drug Administration's authority to regulate advertising targeted to children. It gives the Food and Drug Administration authority to regulate the manufacture and distribution of tobacco products, to protect children and reduce the ill-health effects associated with tobacco use. It includes provisions to reduce youth access to tobacco products, including a requirement that States enact laws to make it illegal for minors to purchase or possess tobacco products.

It provides look-back surcharges to create an incentive for companies to stop targeting children and to hold those companies accountable that fail to reduce youth smoking of their brands. It requires document disclosure.

Mr. President, an awful lot of what we have learned we have learned only because of the Minnesota trial. I want to commend Attorney General Humphrey of Minnesota who was tough and determined and who won a massive lawsuit against the tobacco industry. In winning that suit, he was able to release millions of documents that formed the basis of our knowledge of what this industry has been doing. Thank goodness for what he has accomplished because, as I say, I could read from these documents for days on end, these documents that indict this industry, because this industry knew that their products were killing people. They absolutely knew their products were addictive. They absolutely knew that they were targeting kids and they absolutely knew that they were manipulating nicotine levels to further—to further—hook customers.

It was written across the pages of these documents time after time after time. There is no question, none, about what these guys were doing. It was cynical. It was manipulative. And it was targeted at kids.

I have nothing against anybody that seeks to engage in a legal business and make a profit. That is the American way. I am proud of people that do that. I come from a business family myself. I am educated in business. But I tell you, to make your livelihood targeting kids for addiction and disease is not a very proud way to conduct oneself. This industry was so incredibly cynical in the way they operated. They ought to be ashamed of themselves. They say now, well, they have a new culture. Well, I tell you, I do not see it. I do not see their new culture. I see them operating just as they have in the past.

I have indicated some of the provisions of this bill. There are others, as well, that are important. Because this legislation also funds tobacco control programs, including smoking cessation, countertobacco advertising, smoking prevention, education and health research. You know, if there is nothing else that comes out of this—I hope we are able to discourage people from smoking—but I hope we are also able to fund medical research to help the victims of the past. I hope we are able to do some things that will be positive for those that have already suffered. I hope we are able to find the cure for cancer. I hope we are able to find a cure for emphysema or at least treatments that can reduce the suffering of people who are inflicted.

But this bill does more than that. It also includes environmental tobacco smoke provisions to protect nonsmokers in public buildings because one of the things we have learned from the research of the industry itself is that secondhand smokers also suffer. And what they suffer is irreversible. We did not know that before. We used to think, well, not just the smoker is going to be affected and be affected adversely. I think all of us knew for a long time that was the case. But we probably did not realize that those of us who are around smokers also are affected, and the way we are affected is irreversible. It cannot be improved. That is what the latest scientific evidence tells us.

So it is important to do something about limiting where smoking can occur so nonsmokers are not having imposed on them the health risks because somebody else has made a choice that they are going to smoke. That is fine. That is their business. But it is not their business to have an adverse effect on somebody else's health, and certainly not on a child.

This legislation also provides generous assistance to tobacco farmers and their communities for the effect they will experience. Clearly, this is a comprehensive approach. It is multifaceted because that is what the experts say is necessary. We don't need experts to tell us what will be effective here. I have heard from all the experts. They came before our task force. We heard from hundreds of them. I respect them. This is a matter of common sense. We don't need an expert to tell us if you raise the price, consumption goes down. That is Economics 101. We don't need an expert to tell us if you do countertobacco advertising that warns people of the health risks of tobacco products, that will have an effect. Why else would the industry spend billions of dollars a year advertising tobacco products? Because they know advertising works. Countertobacco advertising, we also know, will be effective. And we also know you have to fund smoking cessation and smoking prevention programs, because that helps people.

Now, it is true that very few people are able to quit. Seventy percent of the smokers in America today say they want to quit. Only 2 or 3 percent a year are actually able to. That is because smoking is addictive. In fact, the testimony of the experts told us that smoking addiction is in the same class as cocaine addiction. We went to Brown University and had a hearing there. We had an addiction expert come before us. He said, if you think a smoking addiction is something easy to escape, but you think cocaine addiction is hard, don't be fooled, don't be misled. Because the fact is the one is as difficult as the other.

I will talk a little more about the look-back provisions because that is the pending business before the U.S. Senate. We may have forgotten that around here, but that is the pending business. That is the business before this body, the look-back provisions of this bill.

Before I go into that, I want to talk about an issue that has been raised several times by the opponents of this legislation. That is the effect of the bill on low-income people. It is very interesting around here to hear those who are the chief defenders of the tobacco industry all of a sudden develop a newfound concern for lower-income Americans. I must say, I would be more persuaded by their concern if many of those same people had not spent most of their Senate careers opposing the minimum wages, opposing the earned-income tax credit, and opposing other measures that would help low-income, working Americans. I would be more persuaded if these same Senators had not spent much of their time in the Senate pushing for special tax breaks, tax giveaways and tax loopholes for the wealthiest among us at the expense of programs that benefit lower-income Americans.

Before I talk further about the so-called regressive impact of this legislation, I just want to point out that inaction imposes a cruel tax on low-income Americans. The tobacco industry has deliberately targeted lower-income Americans as its customers. In fact, they are disproportionately the customers of the tobacco industry. They have gone after that low-income market. They have succeeded. And this industry that all of a sudden is so concerned about low-income Americans

has charged them rates of profit that are three times the level of profit in the consumer goods industry in America today. The profit margins in tobacco are 30 percent—triple the profit margins of other consumer goods industries in America today. If they are so concerned about low-income Americans in the tobacco industry, why don't they cut their profits if that is their concern. That is not their concern. Who are they kidding? Their concern is their bottom line. That is their children. And it comes out in every document that has been revealed in these court proceedings. They aren't concerned about low-income Americans other than trying to hook them, addict them, and let them suffer the consequences of disease and death that accompany the use of these products.

The simple fact is that a failure to act will kill low-income Americans and their children in disproportionate numbers. The Senators who now say they are concerned for low-income Americans are nowhere to be found when we talk about protecting children or providing cessation programs for low-income Americans. Instead, they spend their time talking about the costs that this legislation will impose on lower-income Americans. They completely leave out the rest of the story—the fact that lower-income Americans will disproportionately benefit from this legislation.

The facts are that this legislation will reduce costs on low-income Americans more than it will increase costs on them. First, the nonpartisan Congressional Budget Office has concluded that the income distribution tables our opponents have been using exaggerate the effects on lower-income people. The fact is that people's incomes are not the same throughout their lives, and their expenditure patterns reflect that. Opponents also count on what we see as a claim that this legislation will hurt lower-income people because study after study has shown that lower-income smokers are much more likely to respond to a price increase by quitting or reducing their use of tobacco products.

The Congressional Budget Office has estimated the price increase will reduce average consumption of tobacco products by about a third. That means that lower-income Americans will reduce their consumption by even more than a third. So they will actually reduce their overall spending on tobacco products, and for every dollar they pay in increased costs for each pack of cigarettes, they will save more than $1 by purchasing fewer packs.

Third, the health benefits of reduction in smoking will be largest for low-income populations. By not smoking, lower-income Americans can reduce their lifetime health costs by $14,000, on average, because lower-income people are the least likely to have health insurance. The direct health cost benefits to reducing smoking will go disproportionately to lower-income Americans.

Finally, the main focus is, and should be, on our children. Lower-income Americans love their children just like every other American loves theirs. They want to make certain that their children get a healthy start in life. I don't believe they will say that a few hundred dollars is too much to pay to ensure that their kids don't get addicted to these deadly products.

The bottom line, nobody is going to pay the increased fees associated with this bill unless they decide to go to the counter and buy these products. There is nobody saying you have to buy cigarettes in America. Nobody has to pay this additional fee unless they decide they want to, unless they decide they are going to buy cigarette products. You only pay it if you buy the product. Frankly, if you buy the product, you ought to pay it because otherwise you are imposing costs on everybody else in society. Mr. President, $130 billion a year is what is being taken out of this society by the use of these products.

I will, at a later time, talk about the pending amendment, the Durbin-DeWine amendment, but I think at this point I am going to turn it back to the Senator from Arizona, Senator MCCAIN, and again thank him for his leadership. His courage and his character shine through in this entire debate. I want to thank him very much for his leadership.

Mr. MCCAIN. Mr. President, again, I thank my friend from North Dakota for his kind remarks and for all his effort on behalf of the young people of America. I am very appreciative. I tell my friend from North Dakota that I think we will prevail on this issue.

AMENDMENT NO. 2446, AS MODIFIED

Mr. MCCAIN. Mr. President, I send a modification to the desk.

The PRESIDING OFFICER. The amendment will be so modified.

The amendment (No. 2446), as modified, is as follows:

On page 407, insert the following:

SEC. 1302. VETERANS' ADMINISTRATION TOBACCO-RELATED HEALTHCARE AND COMPENSATION PROGRAMS.

(a) IN GENERAL.—The Secretary of the Veterans' Administration shall use amounts under subsection (b) to carry out tobacco-related healthcare activities under chapter 17 of title 38, United States Code, and to provide other appropriate assistance for tobacco-related veterans' health care illnesses and disability under such title.

(b) FUNDING.—From amounts in the trust fund established under section 400, not less than $600,000 per year are to be used to carry out Veterans' Administration tobacco-related healthcare activities under subsection (a) to the extent and only in the amounts provided in advance in appropriations Acts, to remain available until expended.

(c) PUBLIC HEALTH SERVICE ACT AMENDMENTS.—Section 1981C of the Public Health Service Act (as added by section 261 of this Act) is amended—

(1) by inserting "veterans," after "uninsured individuals," in subsection (a)(1)(D); and

(2) by inserting "veterans," in subsection (b)(1)(H) after "low-income,".

NUCLEAR WASTE POLICY ACT OF 1997—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the hour of 4 p.m. having arrived, there will now be 2 hours of debate, equally divided between the proponents and opponents of H.R. 1270.

Who seeks recognition?

Mr. REID. Mr. President, I ask unanimous consent that the Senator from Nevada be allowed to control the time under the agreement with Senator BUMPERS, the senior Senator from Arkansas.

The PRESIDING OFFICER. The Senator from Nevada, Mr. REID, will be considered as controlling time on his side.

PRIVILEGE OF THE FLOOR

Mr. REID. Mr. President, I ask unanimous consent that floor privileges be extended to Bob Perret during the debate to follow regarding H.R. 1270.

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

PRIVILEGE OF THE FLOOR

Mr. BRYAN. If the Senator will yield, I ask unanimous consent that Polly Synk be granted the privilege of the floor for the purposes of the following debate.

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

Mr. REID. Mr. President, I yield myself such time as I may consume.

Mr. President, this Congress, especially the House of Representatives, has been referred to as the "do-nothing House," or the "do-nothing Congress." Today, this debate will only add to the fact that it is a do-nothing Congress; it is a do-nothing House of Representatives.

The House is rarely in session. They vote sparingly and very pointedly. Campaign finance was only brought up following the culmination of a campaign to have a discharge petition filed, which forced action on that issue. This issue here today is part of the aura of a do-nothing Congress. We have the fact that this legislation—interim storage of nuclear waste—is an absolute waste of everyone's time. The President has said on numerous occasions that he will veto this legislation. We have had votes on this Senate floor that indicate, without any reservation or hesitation, that we have sufficient votes to make sure that the President's veto is sustained.

In addition, we have the incomprehensible development that the Speaker of the House of Representatives has stated that nuclear waste is dead in this Congress, that he won't touch nuclear waste. Well, I say, what are we

doing? The President has said that he will veto this legislation. The Speaker of the House of Representatives has said that he won't allow nuclear waste legislation to move in the House of Representatives this year. It seems very difficult to me why we are moving forward on this. I finally figured out a reason; I am told—tobacco. Are we moving forward on this legislation so that there will be nothing happening with the tobacco bill? I seem to have hit the nail on the head.

The fact that this legislation stands absolutely no chance is because the President said he will veto it and there are enough votes, as proven on the Senator floor, that the veto will be sustained. Only yesterday, the Speaker of the House of Representatives said that nuclear waste is dead. Then there must be a reason. That reason is there is a movement to stop tobacco legislation.

Mr. President, this is a rip-off, this is a payoff for the tobacco industry. They simply want to continue having kids smoke. They know that every day 3,000 kids are locked in and addicted to cigarettes—3,000 every day. Every day we waste in this Congress on something other than tobacco, we are addicting 3,000 children. Should we not be investing in public health research and programs to help smokers quit and protect tobacco farmers and their communities? Obviously, Mr. President, that issue has taken second fiddle to the big stall. Kids are most vulnerable to tobacco company tactics, and we all know that. We know that tobacco companies have, for decades, targeted kids because they are the most vulnerable to nicotine addiction and the most easily affected by the slick advertising and promotional ploys. Joe Camel just didn't show up in the middle of the night. This was done in the boardrooms of the tobacco industry. "What can we do to addict children, kids? We will come up with something that will be as noticeable and identifiable as Bugs Bunny or Mickey Mouse." And they have done it. Joe Camel is more noticeable than those.

So the evidence is overwhelming that smoking is a pediatric disease; it is a disease that affects kids. Almost 90 percent—that is a slight exaggeration—89 percent of all people who try a cigarette try one by age 18. Virtually nobody starts smoking during adulthood—no one. Of the people who have ever smoked on a daily basis, 71 percent were smoking by the age of 18. Now, if Joe Camel isn't enough identification, realize that almost 37 percent of children in high schools throughout America smoke cigarettes. Don't we have an obligation to move forward on this legislation? The answer is yes. I repeat, 3,000 kids start smoking every day. Is this a pediatric disease? Of course it is. Mr. President, it is extremely important that everyone understand that this is nothing more than a transparent effort to kill the tobacco bill.

Today, the majority is setting out to reward two very powerful industries—big tobacco and nuclear utilities. I think there are other parties we should be concerned about. Why should we not be rewarding children—3,000 children a day? That seems to be a little better motive. But, no, the majority is setting out today to reward big tobacco and the nuclear utility lobby.

By invoking cloture on the motion to proceed, the Senate is taking the anti-teen-smoking bill off the floor, period. We must not vote to invoke cloture. Literally, without being overdramatic, Mr. President, by voting to invoke cloture we are signing the death warrants for kids in America. Adults don't start smoking, kids start smoking; the tobacco companies know that. For every day we stall this legislation, we have signed death warrants for kids.

Mr. President, a number of years ago, my wife was in a hospital. She had been there for quite a long period of time. Finally, we had no alternative, and she had to have some very extensive surgery. The surgery took a lot longer than we thought it was going to take or should have taken. We were very worried. We were waiting in the room where loved ones wait while these traumatic things go on. A physician walked into the room—somebody we had never seen before—and he said, "I am a cardiologist. During surgery, your wife's heart malfunctioned." Then, without a second breath, he said, "but we are not worried because she is not a smoker." Doesn't that say it all? Why don't we in this body vote for the children of America and not invoke cloture?

Mr. President, we are talking about terrorism sweeping this country. Today, this is legislative terrorism. We are being asked to support big tobacco and nuclear utilities and, in effect, voting against kids. When it is all over and done with, I think we are not going to find people voting with big tobacco and utilities.

Now, we do not have a lot of time, Mr. President, in the presentation that we have, to get into a lot of the merits of this legislation, that is, the underlying legislation. We will have ample time to do that, and everyone knows that if cloture is not invoked, the Senators from Nevada will be involved in their own legislative terrorism; that is, we feel so strongly about this, as does the environmental community of America, that we are going to do everything we can to protect the health and safety of people in this country—not only the people of the State of Nevada but the people of this country.

Let me just close this part of my presentation by saying that the Energy and Water Subcommittee held a hearing. I, frankly, was involved in other things. And the Senator, the senior Senator from New Mexico, spent a great deal of time working on setting up this very interesting set of hearings. Testimony took place last month, the middle of last month. We had a number of very important people testifying on nuclear technology but, interestingly enough, they all said that spent nuclear fuel—that is what we are talking about here—should be stored on-site.

For example, Dr. Richard Wilson was one of those who testified. He is a professor of physics at Harvard University. He is the lead physics professor at Harvard University. I have a direct quote:

> There is no doubt in my mind that the waste from a power plant is much safer than operating a power plant, and you can put it next to a power plant as we are doing in some places without appreciably increasing any risk to anybody.

I had that confirmed on a number of other occasions during that hearing that took place.

Mr. President, in short, we cannot, today, reward tobacco and the nuclear utilities. They have a cabal here to defeat tobacco legislation, recognizing that nuclear waste legislation is all through anyway; the President has said he will veto it. We have enough votes to sustain the veto. The Speaker of the House has said that he is not going to move that legislation. It seems pretty clear to me today's issue here before this body is a gesture in futility.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who seeks recognition? The majority leader.

Mr. LOTT. Mr. President, in order to make this perfectly clear, I do have a unanimous-consent request that would accommodate my desire on behalf of the Senate to have a vote on this very important nuclear waste issue and then return to the pending business, the tobacco bill. So I do want to ask unanimous consent—and I am not propounding it right now—that would say that once we have this vote, notwithstanding rule XXII, with respect to the nuclear waste bill, we would come back to the tobacco bill.

This is not in any way intended to delay or to drag out the tobacco bill. There is nobody here, I do not believe, who would not like to see us find a way to deal with the tobacco issue and move on. At the same time, as the majority leader, I have to continue doing things as we go along. We have some Executive Calendar things we want to vote on. We have some other bills that I believe Senators on both sides might agree that we want to do as we go along. We have to think about the appropriations bills next week, beginning to move those appropriations bills.

The thing with the nuclear waste issue, the way it comes to us, because the issue was blue-slipped in the House, or the objections because we did it before they did it in the House, we have

to go through a series of hoops that take time so that we can take action on nuclear waste and then go on about our business on the tobacco bill or defense bill, whatever it may be. So my purpose here is to get this issue started, and then, after we have a vote, go on back to the tobacco bill. So that is the intent here.

I would ask unanimous consent that it be in order for the majority leader, after notification of the Democratic leader, to resume consideration of the tobacco bill notwithstanding rule XXII with respect to the nuclear waste bill.

Mr. REID. I object.

Mr. BRYAN. I object.

Mr. DASCHLE. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, I appreciate the majority leader's intent as he has expressed it and the unanimous consent request. As he knows, taking this action would actually put the tobacco bill back on the calendar, and it would then subject the leadership to a request to take the bill off the calendar once again and move the legislation. We would have to get either unanimous consent to move the bill or we would have to make a motion to proceed back to the tobacco bill. So this is a very, very difficult parliamentary challenge.

Obviously, we are in a very different set of circumstances if this unanimous consent request would go into effect. It would put us at the mercy of every single opponent of the tobacco bill. They know that. I give the majority leader great credit for attempting to try to expedite our legislative calendar. There are a lot of things we should be doing. But I will not subject this tobacco bill to the fate that would be destined this legislation if we were to require that we be at the mercy of every opponent of the tobacco bill when we want to bring it back.

I would ask unanimous consent, reserving the right to object, that regardless of the outcome, the Senate resume consideration of the tobacco bill and remain on the bill until its completion.

Mr. REID. Reserving the right to object, I suggest the absence of a quorum.

Mr. LOTT addressed the Chair.

Mr. REID. I suggest the absence of a quorum.

Mr. LOTT. Will the Senator withhold so we can clarify this?

The PRESIDING OFFICER. The majority leader has the floor.

Mr. LOTT. If I could just clarify, the Senator did not object; he was reserving his right to object to my request. Did you propound a modification to that?

Mr. DASCHLE. I did propound a modification.

Mr. LOTT. Then I believe the correct thing would be for me to reserve my right to object to his modification of my unanimous consent request.

The alternative here is to have the vote on the nuclear waste cloture motion on the motion to proceed, and if we get cloture, we are on the nuclear waste bill. If the unanimous consent that I propounded is accepted, we could set that aside and come on back to the tobacco bill.

The problem I have with the addition that the Senator has propounded here that we remain on the tobacco bill until it is completed is that we don't know whether that would be a day, a week, or a month. I know that there is other work we will need to get done over a period of days and weeks and that we could, in fact, continue to work on the tobacco bill.

For instance, there is a meeting that will be occurring here in the next few minutes. Senator DASCHLE is familiar with it. Senator MCCAIN, Senator GRAMM, Democrats and Republicans, are going to be involved in that meeting at 4:30. You need a little time sometimes to work out an agreement, a compromise even.

Under this agreement, we wouldn't be able to set it aside and go to any other issue. So that is all I am saying. We have a lot of work we need to get done during the month of June. It is going to take a lot of cooperation. The tobacco bill is on the agenda. My intent is for us to continue to make progress on it but not to the exclusion of everything else. So I would object to the modification.

Mr. REID. Reserving the right to object.

Mr. LOTT. I withhold but I do object. I object to the modification.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Presiding Officer rules that since the majority leader has the floor, the minority leader reserved the right to object and his unanimous consent will be construed to be a request of the majority leader to amend his unanimous consent request to include that of the Democratic leader.

The Chair gathers the majority leader has declined to do so.

Mr. LOTT. I do, Mr. President.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The minority leader has still reserved the right to object to the majority leader's unanimous consent request.

Mr. DASCHLE. I thank the President for that clarification and his interpretation of what has just been presented to him.

Mr. President, I have heard the majority leader on many occasions come to this floor and make an impassioned speech to all of our colleagues that we are going to stay on this bill until we get it done. I heard him say that eloquently and passionately on NATO. I heard him say that when we talked about the budget. I heard him say that when we talked about the Coverdell bill. I have heard him say that on so many occasions this year—we are going to stay on this piece of legislation until we get it done because we have to finish it so we can move on.

I do not want to misinterpret his remarks. I know he would like to see some completion of the tobacco bill. I just wish he and our colleagues would show the same passion and resolve to finish this bill so that we can move on. That is all we are asking. Let's move on to other pieces of legislation once we have completed our work on this. This is an open invitation to go off of this legislation, move on to other things, and, oh, by the way, if there is time, and if my Democratic colleagues play their cards right and behave, we will probably have a chance to come back to tobacco.

That is the problem. I want very much to make this month as productive as the last month was. But you know how it was productive? It was productive when we said we were going to stay on a bill until we finished it. We finished the highway bill. We finished the technical bills. We finished an array of pieces of legislation because we showed some focus and we resolved to stay on that legislation until it was completed. That is what we are asking here. Let's stay on this bill until it is done, and then let's move on to the array of other pieces on the calendar that have to be addressed, too.

So because we fail to do that, unfortunately, I object.

The PRESIDING OFFICER. Objection is heard.

Several Senators addressed the Chair.

The PRESIDING OFFICER. Who seeks recognition? Who yields time? The Senator from Alaska.

Mr. REID. Mr. President, I just want to take 1 minute.

Mr. MURKOWSKI. I defer.

Mr. REID. I also want to say I have the greatest respect for the leader, and of course the Democratic leader also. But I have to say, unless cloture is not invoked, the Senators from Nevada are going to have a lot to say about what goes on on this floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, let me try to clarify where we stand. What we have pending is the nuclear waste bill, the motion to proceed. The cloture vote is set at 6 p.m. That is cloture to H.R. 1270. After cloture, if we prevail I will introduce an amendment in the nature of a substitute, which will be S. 104, and that is the bill that passed this body. I propose to include in the substitute the Bingaman amendment. I know this is very important to a number on the other side of the aisle.

Let me be clear about another matter. The idea of mixing resolution of the tobacco legislation with nuclear waste—that is a chemical compound that simply does not mix.

The nuclear waste bill has been before this body previously, and I would like to recount a little history of S. 104, the Nuclear Waste Policy Act of 1997. It passed this body 65 to 34; 53 Republicans voted for it as did 12 Democrats, specifically: Senator CLELAND, Senator GRAHAM, Senator HARKIN, Senator HOLLINGS, Senator JOHNSON, Senator KOHL, Senator LEAHY, Senator LEVIN, Senator MOSELEY-BRAUN, Senator MURRAY, Senator ROBB, Senator WYDEN.

It is my understanding that somehow, in the minds of some, by voting for cloture we are somehow setting aside our responsibility to address and resolve the tobacco issue. You have heard the generalization that by prolonging this effort to resolve the tobacco legislation, we are hastening the number of young people who will initiate the use of tobacco. Mr. President, we had a vacation. We had a week off for the Memorial recess. We have lost yesterday. We have lost today. The point is, at some point in time the nuclear waste policy matter has to be resolved by this body. The fact that we have voted 65 to 34 previously on the issue, and the leadership has indicated a willingness to take it up today and set aside the tobacco bill—and further, make no mistake, it is the leader's intention to go back to the tobacco bill. As a matter of fact, he proposed a unanimous consent request that was objected to. So clearly the intention of the leadership on the Republican side is to proceed with tobacco. But there is a lot going on to resolve the tobacco issue and there will be a lot more time taken in order to reach a conclusion that is satisfactory to this body. So let's be realistic and recognize that today belongs to the issue of nuclear waste. The Senate has an obligation to resolve this issue, to vote for cloture. After cloture, set it aside, go back to the tobacco bill, and then come back on the issue of nuclear waste.

Make no mistake about it. There is a lot of politics involved in this bill. I know what is going on in Nevada. There is an eager House Member who has issued a press release relative to the attitude of the House. I am not going to go down that particular avenue. But it is fair to say the politics in Nevada is against a nuclear waste site in that State. But to be realistic, nobody wants to have nuclear waste in their State. Yet 65 Members of this body voted on August 15, 1997, to put the Nuclear Waste Policy Act in order and designate Yucca Mountain to be a site for an interim facility. Furthermore, as passed, S. 104 set deadlines for the Department of Energy to meet its contractual obligations to accept and store at a single permanent repository the nuclear waste generated at the commercial nuclear power industry site that will be used to store all Federal nuclear waste. Congress selected Yucca Mountain, NV, as the site to be considered for the repository.

So there you have it. You have a situation where we have designated an area. We have expressed, by a vote of 65 to 34, the attitude of this body. Now we are seeking cloture so we can proceed with the obligation to address and resolve this.

So what is a "yes" vote for? Mr. President, a "yes" vote is for storage of nuclear waste at one, safe, Government-controlled site; responsible action to meet the Government's obligation to take our nuclear waste after collecting $14 billion from the consumers of electricity in this country. Currently, the Government is in violation of its contractual commitments to the nuclear waste industry. The suits that are pending on this could cost the taxpayers somewhere between $60 and $80 billion because the Government was supposed to take the waste beginning this year. What we are attempting to do with this legislation is address the responsibility, with finality, for the Government to deliver on its commitments. Also, as we address global warming, the Kyoto accord, and other concerns, there is definitely a role for the nuclear power industry from the standpoint of its contribution to air quality. Nuclear energy provides clean air.

What does a "no" vote do for us? Storing high-level waste in over 80 sites instead of one site is what a "no" vote does for us. It is a continuation of a breach of contract that will cost the taxpayers, as I have said, untold dollars in damages, an estimated $60 to $80 billion. It will basically eliminate our largest single source of emission-free power, and it will result in moving over to another alternative which is not clean, in the sense of nuclear power.

Today's vote is an opportunity for triumph, if you will. It is the issue of safety of people over politics. A successful vote today will allow us to consider and adopt a bill that will lead us to a safer future for all Americans.

As we look at the history of this, as I have said, we passed this bill by large margins, bipartisan margins. The House passed the underlying bill with 307 votes. There you have a pretty good idea of the attitude in the House.

It would be the height of irresponsibility to let our process down at this time, and obviously, as we look to our environmental concerns, to not have an answer to our high-level waste problem is basically a cop-out on our responsibility.

We have, as the map on the right indicates, a number of sites around the country. Forty States are affected, Mr. President. There are 80 sites in the 40 States. This is in addition to the waste stored at the Department of Energy waste disposal facility.

What we have is waste being stored in the backyard of constituents, young and old, across the country, near our neighborhoods, near our schools. Each year that goes by, our ability to continue storage of nuclear waste at each of these sites in a safe and responsible way is diminished. Why, Mr. President? Because many of these sites are filling up. They are designed for a certain capacity of nuclear waste and in many of those pools, at reactor sites, we are seeing storage up to its maximum-designed capacity.

As I have indicated, the Government agreed to take that waste beginning this year, in 1998, but it can't fulfill its contractual obligation, and that is a contractual obligation of every Member of this body to address the responsibility of the ratepayers who have paid in $14 billion. It is irresponsible to let this situation continue. I for one am not going to let that happen.

Again, I would like to identify in my State of Alaska I don't have a constituency associated with nuclear power or nuclear waste, but it is an obligation that I have as committee chairman and that we have as Members of this body who struggled with this issue of nuclear waste for more than a decade.

Let me display a chart that shows the payments that have been made by each State. Here is what the electric consumers of the United States have contributed over the years to take care of nuclear waste beginning this year. There they are, Mr. President, in millions of dollars. They total $14 billion. They are asking for this Senate and the House of Representatives to mandate the removal of the waste as a consequence of what they have paid in so that the waste can safely be stored in Nevada. The U.S. Court of Appeals has ruled that the Department of Energy has an obligation to take possession of this waste in 1998 whether or not a repository is ready. Last November, the court ordered the Department of Energy to pay contractual damages.

I told you those contractual damages are estimated to be up to $80 billion of taxpayers' money, unless we address our obligation to put this waste out in the desert in Nevada. Neither the consumers nor the taxpayers deserve to bear the cost of the Government's failure.

The administration has simply ducked this issue. They don't want to deal with it on their watch. They just as soon have the nuclear waste issue be resolved by somebody else at another time, regardless of the liability to the taxpayers, regardless of the fact that the ratepayers have paid in the $14 billion.

Mr. President, we are here today trying again to address a responsible resolve, and to adopt a responsible resolve, we are going to have to get on the bill. This is a motion to proceed to the bill. That is all it is.

Again, I reflect on the opening statements of my colleagues on the other

side relative to tying this to the tobacco issue. Tobacco is complex enough without mixing it with nuclear waste. It doesn't belong there, and we have the obligation now to address it.

The statement of the administration bases its objections on a misreading of the bill and a disregard for the reality of the Federal Government's obligation to take the waste beginning in 1998. The administration claims it cares about clean air and preventing climate change.

Currently, 22 percent of our electric power is generated by nuclear energy. This is emission-free nuclear energy. The Department of Energy's information administration says the Kyoto treaty would require a 41-percent reduction of CO_2 emissions from a predicted level in the year 2008 to 2012. Keep in mind, this administration isn't going to be here in the year 2008 to 2012.

How do you get there from here in the Kyoto accord without the nuclear industry? You don't. You can't. There are no new emission-free sources that can economically take the place of nuclear energy. For the moment, we can forget about the Kyoto treaty and think about the present, the present time. Between 1990 and 1995, 37 percent of the sulfur dioxide reductions required by the Clean Air Act came from increased generation of existing nuclear power plants. That is where the reduction is coming from, and this administration doesn't want to accept the responsibility to take care of the waste. Why? It doesn't want to address it on its watch.

Why are my colleagues on the other side mixing tobacco in the issue and saying each day that we delay when the leadership has asked unanimous consent to go back to tobacco after we resolve this matter? This is a cop-out, Mr. President.

That is why I urge my colleagues to reflect on how their votes are going to be recorded. Those on the other side who voted with us last time are Senator CLELAND, Senator GRAHAM, Senator HARKIN, Senator HOLLINGS, Senator JOHNSON, Senator KOHL, Senator LEAHY, Senator LEVIN, Senator MOSELEY-BRAUN, Senator MURRAY, Senator ROBB, Senator WYDEN.

I encourage them to reflect, again, that this shouldn't get mixed up with Nevada politics. If we look at polling in Nevada, we have to acknowledge Nevada does not want to be the resting place, even temporarily, for our nuclear waste. But both sides are against putting nuclear waste in Nevada. So it isn't a matter of competition among the Members who are against it. They are all against it.

If you ask a Nevadan whether they want nuclear waste in their State, the answer is no. You can go to 49 other States and you will get the same answer. But we have a responsibility to put it somewhere, and we are proposing to put it in the desert where we have had over 50 years of nuclear testing.

There it is. This is the location for the nuclear waste storage at the Nevada site that was used previously for more than 800 tests of nuclear weapons. If you don't want to put it there, you tell me where you want to put it. We spent over $7 billion at Yucca Mountain already testing it. We are proposing that the waste be moved in accordance with the Government's contract, move it out to a temporary repository until Yucca Mountain can be licensed and certified.

If it isn't licensed and certified, then it is going to have to go someplace else, but until then, this is the site, and to suggest we shouldn't take it up simply means more storage piling up at our reactors. Some of those reactors are going to shut down. We are going to have to get that power someplace else. We will probably have to go to coal-fired power which, obviously, is not going to have the same effect that this has on our air quality.

EPA can pass all the regulations in the world, but if the administration really does not care about clean air—well, they can do something about it, if the President would get behind this legislation. Instead, the administration intends to delay this issue, delay this issue, delay this issue, and the whole time telling the American people that it really cares for its safety, the environment, and their pocketbook.

Let me tell you again, if you are concerned about the safety, you are not going to put this around in the number of States where we have it, that is 40 States with 80 sites. If you care about the dollars, you are not going to stop the realization that the taxpayers have paid $14 billion; and now we are looking at claims for nonperformance of the contract to the taxpayers in over $70 to $80 billion.

Is the President really concerned about clean air and climate change or is this a cynical diplomatic or, more realistically, a political excuse? I think it is the latter, Mr. President. There is politics in this issue. There is politics in the mix of this issue and tobacco. This issue should stand on its own.

Finally, Mr. President, we have really reached a crossroad. The job of fixing this program is ours. Time for fixing this program is now. The vote before the Senate is to move forward with a motion to proceed. Then we are going to move back to tobacco.

We have made progress on this issue. We have made progress at Yucca Mountain. As I have indicated, the 5-mile tunnel is complete. We spent $7 billion of the consumers' money. We have to build on this progress. Our bill continues site characteristics, activities for permanent repository. It allows each State to designate the route that the nuclear waste will move to the site proposed in Nevada.

I remind the President that we have waste moving throughout the United States, military waste across State lines. We can move it safely. We know how. Europe moves it safely by rail and by ship. There is no magic in this. But the realization is that today we need a temporary storage facility or we are going to be storing spent fuel all across this Nation for decades to come. We are going to be in violation of our contract, which will cost the taxpayers more money to settle the suit.

And we can choose today whether to start on this process to resolve the issue of whether the Nation is going to continue to have 80 interim storage sites or just one safe site—that arid, remote Nevada test site where I have indicated we have exploded scores of nuclear bombs during the cold war. And it is safe and it is remote. And, unfortunately, it has to be in one of our States, and it happens to be in the State of Nevada. But it has brought a lot of jobs to Nevada, a lot of prosperity to Nevada over the years.

And there is the realization that if Yucca is licensed—and it is likely to be—it is going to be a very, very easy task to move the spent fuel to the repository. And in the unlikely event that Yucca is not licensed, or found to be unsuitable, Congress and the administration are going to have to consider our options. In either case, we will be ahead of the game regardless of what happens at Yucca.

This is a step that we should take. And remember today, yes is a vote for cloture. It is a vote for the storage of nuclear waste at one safe Government-controlled site. It is a responsible action to meet Government's obligation to take the nuclear waste, after collecting $14 billion from the consumers of electricity. It is for cleaner air. And a no vote, again, is for continuing to store high-level nuclear waste in over the 80 sites instead of the 1 safe site. It is a continuation of a breach of contract that is going to cost the taxpayers of this country some $70 to $80 billion as a consequence of our inaction.

A no vote is for eliminating our largest source of emission-free power, resulting in dirtier air. And isn't it extraordinary that this Nation, with all of our technology, cannot address or resolve our high-level nuclear waste; but the French, the Japanese, the British, the Swedes have all addressed it responsibly? We cannot even get our Government to commit to its contractual commitment.

The time is now. I urge my colleagues—I know the politics of this body. I know this is an issue in the race in Nevada, and I can understand and be sensitive of that, but each one of us has an obligation as statesmen to address responsibly the obligation we have towards taking this waste and putting it out in a temporary repository in Nevada.

I understand the arguments from my colleagues from Nevada relative to their bottom line. They do not want it in their State. But we have an obligation to put it somewhere. We have voted previously to put it in Nevada, in a temporary repository. To back down now is to shirk a duty and an obligation that we were elected to address, Mr. President, address with a resolve; namely, the sanctity of a contractual commitment that is due to take that waste this year and the recognition that the Government, the administration, refuses to accept that responsibility, therefore, that obligation becomes ours; furthermore, the litigation and cost to the taxpayers who are going to be confronted with this, and the full employment for lawyers if we do not address it now.

So do not let politics enter into the vote and the resolve on this issue. This issue should stand on its own. This issue does not belong in consideration of the tobacco bill. This legislation should be addressed and resolved with a vote in favor today so we can move on and meet our responsibility.

Mr. President, I ask how much time I have remaining on this side.

The PRESIDING OFFICER. Twenty-nine minutes 40 seconds.

Mr. MURKOWSKI. I thank the President, and reserve the remainder of my time.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Before yielding to my colleague from Nevada, I would like to ask my friend, the junior Senator from Alaska, do you disagree with Dr. Richard Wilson, professor of physics, Harvard University, who testified before the Energy and Water Subcommittee 2 weeks ago, recognizing this man is one of the foremost experts on things physics and nuclear power in this country, when he said, "And you can put it [nuclear waste] next to a power plant, as we are doing * * *, without appreciably increasing any risk to anybody"?

Do you disagree with his statement?

Mr. MURKOWSKI. Relative to powerplants, let me advise the President there are safety and economic advantages to having 1 central storage facility rather than 80. I think my colleagues would agree on the other side. Throughout the debate, we keep hearing suggestions like: "Why don't we study the issue some more? Why don't we just leave it at the plant sites?" which is what is suggested, and "Why do we have to solve the problem now?"

Well, why should we leave spent fuel at the nuclear power plants in 34 States when there is a less costly storage method with an increased margin of safety in an area that has already been proven for its storage of waste?

Mr. REID. Let me reclaim my time.

Mr. MURKOWSKI. Let me try to finish.

The PRESIDING OFFICER. The Senator from Nevada has the floor.

Mr. REID. I would say, of course, my friend from Alaska did not answer the question because the answer is so obvious. We have here one of the most eminent scientists in America dealing with nuclear waste, with things nuclear. He said, "And you can put it next to a power plant [nuclear waste], as we are doing * * *, without appreciably increasing any risk to anybody."

I also say to those within the sound of my voice, it is cheaper to have dry cast storage containment. It only costs about $5 million to establish one on-site.

It would seem to me that this is so clear that it is easy to see through the transparency of what the nuclear utilities are trying to do. They are trying to wash their hands of this terribly deadly waste that they produced; namely, plutonium, wash their hands of it and give the responsibility to somebody else. Otherwise we would go for the cheaper, safer version that has been underscored as being safe by Dr. Richard Wilson, professor of physics, Harvard University.

I yield to my colleague from the State of Nevada whatever time he may consume.

The PRESIDING OFFICER. The Senator from Nevada, Mr. BRYAN.

Mr. BRYAN. I thank the Chair and I thank my colleague.

Mr. President, for those who are not familiar with the parliamentary intricacies of the Senate process, I think a reasonable question should be raised, and that is why are we debating this issue; namely, the placement of a temporary nuclear waste dump at the Nevada test site in Nevada, when, No. 1, the Speaker of the House has indicated that no such legislation will be processed in the House; and, No. 2, the President of the United States has said if any such legislation should reach his desk, he will veto it.

Mr. MURKOWSKI. May I ask my colleague a question?

Mr. BRYAN. I yield briefly.

Mr. MURKOWSKI. Mr. President, could the Senator identify the statement of the Speaker of the House of Representatives relative to the statement of the Senator from Nevada that the House will not take it up? I have not seen that statement from the Speaker of the House.

Mr. BRYAN. I am happy to respond to my colleague. Let me just say very briefly that statement appears in the form of a statement issued by the Congressman from the First Congressional District in Nevada in which he quotes the Speaker directly and explicitly, I must say, based upon a previous statement that the Speaker made with respect to the same House Member in 1996, when he indicated at that time no action would be taken on the temporary nuclear waste bill. In 1996, the Speaker was good to his commitment and did not do so. I presume that he would be in the same vein committed to honor the commitment he has made.

I say to my friend from Alaska, I have no reason to challenge that. I have seen nothing from the Speaker to indicate that the Congressman's statement is inaccurate.

Mr. MURKOWSKI. Mr. President, I have been unable to get a copy of his statement from the Speaker. I read the statement from Congressman ENSIGN on the issue relative to the attitude of the Speaker, but we have not been able to get a release.

I suggest at this time we are perhaps misleading in the sense of suggesting that is the Speaker's position.

I thank my colleague.

Mr. BRYAN. Let me reclaim the floor and simply make the point that this bill, if it ever reaches the President's desk, will be vetoed. I have no question, based on the assertion not contradicted in any way, this statement was released yesterday. It has not been contradicted. I can understand why the Speaker may be reluctant to talk with my friend from Alaska because of the strong views. I suspect the nuclear power industry has also been unable to get a response.

Mr. MURKOWSKI. Is this not the statement from the Congressman that is running for the Senate seat that is vacant in Nevada?

Mr. REID. Vacant? Vacant?

The PRESIDING OFFICER. The Senator from Alaska should address the questions through the Chair.

Mr. BRYAN. I reclaim the floor and I simply say, because I want to talk about a number of issues, I inform my friend and colleague that a House leadership aide today told one of the local publications here on Capitol Hill.

> . . . that the nuclear industry and other bill proponents should have seen this one coming. It was presumed among the leadership that a vote on an issue as contentious as nuclear waste storage could never take place in an election year.

That is June 2, 1998. It comes from Congress Daily, a confirmation from a House leadership aide. I have no doubt it is true.

Let me get to the point as our time is limited. There is a lot more in operation here than nuclear waste. We are talking, my friends, about an unholy alliance between two of the largest corporate entities in America—the nuclear power industry and the tobacco lobby. Here is how both of them win and the American taxpayer and the kids of America lose. The Democratic leader was absolutely correct when he said we should stay on the tobacco bill until we complete it, just as we have with other issues that are deemed priorities by the leadership in this Chamber.

The way to do that is to stay on it, not to get sidetracked on another

issue. From a procedural point of view, the majority leader, at any time, can file a motion to proceed to invoke cloture at any time. It seems to me more is in operation here than might meet the eye. No. 1, if we get off tobacco, and that will be the effect if cloture is granted—everybody in this Chamber knows that our time limit for this session is extremely limited, 13 weeks or less; there are 13 appropriations bills that have to be processed, and many other pieces of legislation—in effect, a vote to invoke cloture is a vote to kill tobacco. That is a vote that kills children in America. Three thousand each day take up smoking for the first time; 1,000 of them will die prematurely as a result of smoking-related complications.

A decade ago we thought we had made progress in reducing smoking of the underage. However, from 1990 to 1996 the statistics have been tragic and disastrous. The rates of teenage smoking have soared. In some categories of youngsters, African-American, they have more than doubled. In my view, it is absolutely important and imperative as a matter of public policy that we deal with the tobacco issue.

Obviously, the nuclear waste industry has its own agenda but they find common ground with another industry in America, and that is the tobacco industry. The two of them come up with this strategy and both are winners and the American people are losers.

Let's talk a little bit about the process for a moment. We are urged to move to consideration of a bill that is the House bill. That bill, by every standard, is much worse than a bad bill processed out of this Senate earlier in this Congress. The chairman of the Energy Committee has indicated that he has an amendment that will be offered shortly after—but everybody here understands what is happening. There is a so-called substitute that most of us have never seen—that at best is a work in progress—that we have no idea what it might be. There has been no conference, no conference. The Democratic members of the committee have not been involved or consulted in any way. This has been the nuclear utilities working out various provisions in the back room which serve their best interests, and which we have not yet seen in the light of day.

My colleagues, you are asked to bring to the floor a bill that ultimately, if the substitute is offered, we don't have any indication as to what its contents may be. I agree with the majority leader when he said the responsible thing to do is to deal with each of these issues, tobacco and nuclear waste, separately and the way to do that is to vote no on the cloture motion and to stay on tobacco until we have completed it. Then if there is any desire to proceed, something that the majority leader has every right under the rule to do, he can proceed along that line. But there is no reason—none—to bring this issue to a head now.

Now, let's just talk a little bit about the merits of this legislation and the need. For the last 18 years, the nuclear power industry in America has been crying there is an urgent need, catastrophe will fall upon us, that there is a crisis.

Here is a statement made by our former colleague on the floor of the Senate, July 28, 1980—18 years ago—referring to a piece of legislation which was then referred to as away-from-reactor legislation, but essentially the same thing, a so-called temporary nuclear waste dump. Our former colleague said in discussing this:

> It is an urgent problem, Mr. President, for this Nation. It is urgent, first, because we are running out of reactor space at reactors for the storage of the fuel, and if we do not build what we call away-from-reactor storage and begin that soon, we could begin shutting down civilian nuclear reactors in this country as soon as 1983.

Didn't happen, didn't happen. No nuclear utility in America has ever been closed down because of inadequate space. Some have been closed down because they are dangerous and they constitute a public health and safety risk, and others have shut down because simply in the evolving electrical markets of the day they are simply no longer economic. So that is the need argument. We are hearing that it is urgent; we need to deal with it.

Let me talk about what the scientific community has said, the Nuclear Waste Review Board, not comprised of Nevada citizens who have strong views, as the chairman of the committee properly addresses. This is the scientific community. "The board sees no compelling technical or safety reasons to move spent fuel to a specialized safety facility."

None. Indeed, our colleagues have specifically incorporated into the law a provision that would be changed if this piece of legislation is processed that specifically precludes the establishment of a temporary nuclear waste dump until such time as a permanent dump is established. They knew then, as we ought to know now, that something that becomes temporary is de facto permanent in America.

So the scientific community is not supportive. The President of the United States has indicated that he will veto this legislation. It is said the great joy of this piece of legislation is that all nuclear waste will be congregated in a single site. Not true, Mr. President. Not true. In effect, what we do is we will add one additional site. These designated sites on this chart indicate commercial reactors around the country.

Those who are familiar with nuclear power understand that a nuclear reactor is powered by spent-fuel rods. Those spent-fuel rods, after a period of time, lose efficiency, so that they need to be removed from the reactor core and placed in storage. Those spent-fuel rods are what we are talking about here. That is the commercial nuclear waste. What is done, because they generate enormous amounts of heat, is they are placed in pools of water at the reactor site, so every commercial nuclear reactor in the country that has an active reactor will have someplace that by necessity they will have to store these spent nuclear rods for a period of 8, 9, 10 years. So this allusion that sometime we will have a single site is simply not the case at all. So long as there are commercial reactors in America, that is the process we must go through.

Finally, a word about the court case and the responsibility of the Department of Energy. Mr. President, the Nuclear Waste Policy Act was enacted in 1982. It indicated there would be a series of contracts that would be entered into by each of the reactor sites and, indeed, that is what has occurred. Those contracts defined the responsibilities of the parties. The responsibility of the Department of Energy is, in the event that there is a delay in taking the nuclear waste from the reactor site—everyone must concede that is the case; there is no way possible that those dates can be met, and January 31, 1998, was the date—it expressly indicates that the remedy that is provided is that, to the extent the delay is ascertained, "the contract will be equitably adjusted to reflect any additional cost incurred by the party not responsible for or contributing to the delay."

What that means is to the extent that a nuclear utility incurs additional expense for on-site storage that it would not otherwise have incurred had the Department of Energy been able to take the nuclear waste, the nuclear utility and its ratepayers are entitled to be compensated. I do not disagree with that. I have introduced legislation since coming to this body that would provide for that. The simple way that could be done is to reduce the amount of a contribution which the nuclear utility makes to the nuclear waste fund in the form of a mill tax levy on each kilowatt hour of nuclear power generated so that the ratepayers may be whole. That has been offered time and time again. The nuclear utilities reject that because they have a different agenda. We will talk more about that. Their agenda is to transfer the financial responsibility from the nuclear utilities to the American taxpayer, and that is one of the most outrageous features of this legislation.

I yield the floor and reserve the balance of my time.

The PRESIDING OFFICER (Mr. SMITH of Oregon). Who yields time?

Mr. MURKOWSKI. Mr. President, I yield 10 minutes to my friend from Idaho.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, let me join my colleague from Nevada and say we are debating a motion to proceed. To proceed to what? To proceed to something that the House and the Senate of the U.S. Congress have spoken to in a substantial majority for the last 3 years, which is that the Government of the United States should honor the 1982 Nuclear Waste Act and take possession of the waste that they promised the utilities they would take in return for the ratepayers paying out billions of dollars to build a permanent repository.

The Senators from Nevada have alluded that there is no cost or obligation. It is the word of our Government; it is the law that speaks. It is a solemn obligation under taxes that we have taken to take possession and build a permanent repository. The courts have also, just in the last year, clearly reflected that. This administration has had to quietly admit it. Now they are fighting in court saying, "We don't want our hands dirtied by our obligation."

Mr. President, you are without claim, you are without program, but you aren't without politics. I must say that when the Senators from Nevada talk about the Nuclear Waste Technical Review Board saying certain things, let me remind the Senate the chairman of that board was appointed by this President. Would it be so unusual that he would reflect the political attitudes of this President? I suggest not.

Now, I find it very interesting that the Senators from Nevada are standing on the floor today wringing their hands and suggesting that we are avoiding the debate on tobacco. Since when has the Senate been a single legislative body? Under the leadership of Democrats and Republicans alike, for the purpose of moving timely policy issues, this Senate has dealt with a multitude of issues. That is exactly what the majority leader is attempting to do today—to start a process on the nuclear waste bill and to move on with tobacco.

Who has denied the Senate the right to do two things at one time? The Senators from Nevada. They are the ones that say it is either/or and it is not both. So I find it a bit ironic that they would suggest today that thousands of children may die from tobacco. Let me tell you that any child that starts smoking tobacco doesn't die from it immediately; 10, 15, 20 or 30 years down the line, if they are foolish enough to continue, they might. So back off. That is an illogical argument, and the reality is very clear. This Senate is capable of doing a multitude of things, and we must if we are going to move timely policy issues for this country.

Oh, my goodness, Dr. Richard Wilson is suggesting that waste stored at generating sites is safe. What is the difference between storage at a generating site and storage at a temporary site awaiting final disposition in the Nevada desert? Well, I will tell you that there is a difference. The difference is that neither is a problem. So to the Senators from Nevada who claim this great difficulty of human risk to the State of Nevada, there is no risk, by the admission of Dr. Richard Wilson. What there is, is the reality of the law and a timely responsible disposition of this issue.

How can any Senator stand on the floor and say we are going to collect $14 billion in taxes, which we have done, and then we are going to turn and run away from the issue and spend the money elsewhere? That is what the Senators from Nevada are suggesting. They are suggesting that somehow we collect the money, but we have no obligation after the fact.

The law and the courts are clear. The reality is that we move toward the development of a permanent repository. And while we are doing that, and while it is the Congress of the United States that, by law, designated Yucca Mountain for the purpose of the necessary scientific and engineering studies to determine its desirability for that, we have the responsibility of the law to fulfill the obligation.

By the way, what Dr. Richard Wilson did not say is that every site that stores waste at every generating site today, by definition, is temporary—by definition, is temporary. And yet it is safe. Yes, it is safe. It has been well managed. But because it is temporary, the Congress of the United States in 1982 said it is time this country developed a permanent—permanent—resolution of this issue.

I would suggest, with a smile on my face, that the Senators from Nevada, when using the tobacco argument, are hiding behind a bit of a smokescreen today. But let's clear the smoke and face the reality that we can deal with more than one issue at one time in this Chamber. The Senators from Nevada are denying us the ability to deal with tobacco, because if we get cloture today, we are on nuclear waste, and we will stay there until this issue is resolved, when we could move forth and debate both tobacco and nuclear waste with a timely allocation to each issue for the purpose of resolving it to final disposition.

That is what the majority leader was talking about. That is what this Senate is trying to do. It is our obligation, and it is our responsibility. The Senator from Alaska has talked about the waste, the amount of storage facilities, and what we are attempting to do—81 sites in 41 States, commercial spent fuel. Are big utility companies trying to shove off the responsibility, as has been alluded to by the Senators from Nevada? Quite the contrary. The big utility companies entered into an agreement with their Government. They signed a contract, and they paid the tax. Is that shoving anything off? Absolutely not. It is the reality of the law, and the Senators from Nevada know that.

Can I blame them for their arguments in defense of their State? No. But they are not entitled to their own truth when it does not match the reality of the law. Facts cannot be generated on a daily basis. The reality is very clear—$14 billion later and better than a decade and a half, the Congress of the United States has not forced their Government and has not forced this administration to own up to the law, and it is now time we do so. A majority of this body agrees with that; 65 Senators agree with it, 307 House Members, because they understand that they have an obligation to uphold the contractual relationship of this Government as was established.

And what did our courts say? Yes, contracts mean something. Last year, the Supreme Court said: You have a contract; the Government is responsible for delivering on the contract. The Senators from Nevada say quite the contrary. Well, they can debate about the Supreme Court if they want to; I will not. What the legislation that we have before us proposes to do is to honor the contract and to do so in a reasonable and timely way, to build a temporary repository, to begin to handle waste in the very way, the very safe way, by the admission of the Senator from Nevada, that it is being handled at temporary sites.

So what is the fear? I think there is none. In fact, if you study the issue, you know there is no fear. How many nuclear bombs were trucked right down through the middle of Las Vegas—hundreds of them were—as they moved out to the test site in Nevada for the purpose of their testing. We in this country have the phenomenal integrity of managing nuclear waste in a sound and safe way. And that is the record. We know that is the record. But the legislation that we have before us, or at least that we are attempting to get to, even tightens up on that. It even gets much, much tougher. It goes on to talk about the responsibility of establishing the transportation sites and working with the States to assure that those transportation sites' integrity is maintained.

Nevada as a State, as does my State of Idaho, has had a long history of dealing safely and soundly with nuclear materials and doing it in a way that has been cost-effective, that has brought hundreds of millions of dollars to our State in the form of revenue, jobs, and taxation.

Is it a double standard we talk about today? Not this Senator. It is a contractual obligation of our Government to find and build a permanent repository for the long-term safe disposition

of nuclear waste material. That is the debate today. I cannot blame the Senators from Nevada for the fight they put up. But it is very clear where this Congress and where this Government intends to go, and it has been very clear since 1982, because that is what the citizens of our country have wanted, and that is what we have obligated ourselves to do.

We have a nuclear legacy that some would like to walk away from, but it is a nuclear legacy of which this country can well be proud.

The PRESIDING OFFICER. The Senator has spoken for 10 minutes.

Mr. CRAIG. Will the Senator from Alaska yield me additional time?

Mr. MURKOWSKI. May I ask the Chair, Mr. President, how much remaining time we have on this side.

The PRESIDING OFFICER. The Senator from Alaska has 18 minutes 30 seconds.

Mr. MURKOWSKI. About 8 minutes.

Mr. CRAIG. Mr. President, this Nation has a nuclear legacy that some would like to shy away from. It is, in fact, the legacy of which I am proud. It has brought safety and security to this country for decades. Now we must handle it in a responsible fashion, because from that legacy there is a debt, and the debt is the safe and responsible management of nuclear waste from the military side.

Some years ago, we decided that a permanent repository would also house high-level military nuclear waste. While all of that legacy is a responsibility of our Government and our citizens, there is another legacy that we can be even more proud of, and that is the history of the commercial electrical generating industry that chose to generate electricity from nuclear energy. About 20 percent of our electrical base today is nuclear, and our scientists and environmental friends tell us that if we are to obtain the clean air standards in the nonattainment areas, we will probably have to have more nuclear generated electricity, or at least we will have to keep the same ratios even with the growth of our country.

All of a sudden, out of a Kyoto discussion comes a new recognition of a phenomenally clean, safe form of electrical generation. We all understand that. We all find it terribly important. If we are going to address the reality of climate change—and all of us are concerned about it—one of our obligations is to provide a safe, clean source of energy, and it is nuclear. And to do so, we must find a safe, clean way to handle the spent fuel. That is what we have understood for a long time, and that is what this country will demand.

That is what we are putting forth today—to deal with this legislation, to put it to the President, hopefully, for his signature. And I will tell you that the Senators from Nevada have said he might veto it. Well, the President of the United States does not run the legislative branch of Government, nor should we view that threat as something that would deter or direct our policy formation. We are a separate branch, and while the President might suggest he would veto it, we also have the power to override. And in the last vote we had on this issue, we missed that by one vote. I am convinced today, based on the increased importance of this issue and the reality of the court tests and the simple explanation of our President as he throws his political hands up and says, "I have no solution to the problem, and I will do nothing," even though the courts and the law say he must, that he is acting in a fully irresponsible fashion. The Congress of the United States knows that, and 41 States know that. And the public is beginning to say, "Wait a moment, Mr. President. You have an obligation under the law. Didn't you take an oath of office? Aren't you responsible for upholding the law?"

But so is the Congress. And the Congress and the President, in concert, can resolve this issue. The resolution is in the very legislation that we are attempting to debate on the floor, to build a safe, temporary repository to begin to take possession of the waste that we promised we would in 1982 as we began this process and as we began to tax the ratepayers of the nuclear-generating utilities of this country.

We can do that and we should do that, if that is what we debate today. This is not a debate about tobacco. That is a false argument. It was the Senators from Nevada and the minority leader who denied the Senate the right to debate both issues. So let us not use that again. It is a phony argument. It is a false-based argument. This Senate, under Democrat or Republican leadership, has dealt with two or three issues at a time. When we get under time constraints, as we are in this political year when our colleagues will want to be out campaigning by early October, there will be many times on the floor of the Senate when we will want to deal with multiple issues.

This is one where some have chosen to be selective, but let the record show that is a false choice. We can do both. We should do both. That is the intent. That is why we are here today, to debate a motion to proceed so we can handle both at the same time in a responsible way, so we can turn to our citizens and our electorate and say, as we close the business of the 105th session of the U.S. Senate, that we dealt in a timely fashion with our environmental responsibilities with nuclear waste, high-level waste materials, and that we also dealt with the responsibility to the teenagers of America, and that is to deal with tobacco and try to restrict it from their access and their use. We can do both, and we should, and that is what we are attempting here this afternoon.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I hope my friend from Idaho would review the comments that he made. I, of course, recognize that a child who begins smoking today doesn't die today. No, that is true. As the Senator from Idaho said, that person doesn't die today. That person dies later, an agonizing death from lung cancer, emphysema, heart disease. No, they don't die today. They die later.

Also, I think my friend should go back and look at the statement he made about those who are not teenagers who are foolish enough to continue smoking. The tobacco legislation is about addiction. The tobacco companies addict our children. Mr. President, 3,000 children a day are addicted to tobacco. It is not something they can just stop when they turn 19, something they can stop when they turn 32. They are addicted to a substance that causes them to want this product. They pay huge amounts for it. Why? Because they are addicted to it. They are addicted—when? They are addicted, 90 percent of them, when they are teenagers.

So, for my friend from Idaho to say, "if they are foolish enough to continue smoking"—I think the facts should be reassessed, as, I submit, should be a number of the other facts stated by my friend from Idaho. For example, he agrees with Dr. Wilson. He said that storing nuclear waste at a repository next to the nuclear generating facility is safe. The problem is with the logic that he carries forward, that it is also safe if you put it 3,000 miles away. We lose track of the fact that this has to be hauled 3,000 miles away or 2,000 miles away or whatever the distance. The logic is not there. His review of Dr. Wilson's statement is simply without foundation.

Dr. Wilson said, "And you can put it next to a power plant, as we are doing sometimes, without appreciably increasing any risk to anybody." Dr. Wilson does not say you can haul it 3,000 miles and it will be safe.

Also, I am amazed that my friend from Idaho does not understand a basic truth—that nuclear bombs aren't hauled through Nevada and then set off in the desert. There are components, separate components, like a puzzle, none of which standing alone will cause any damage to anyone, that are brought to the Nevada test site. Many of the parts are shipped by air to the Test Site landing strip. And these components are then assembled. We have an assembly facility out there that cost almost $1 billion. That is where they are assembled. So, for someone to say these have been hauled through the

highways of Nevada or the city of Las Vegas for years is baseless, without foundation.

This is a debate on tobacco. This is a subterfuge to stop us from going to tobacco. I could talk about tobacco all day, and I will talk about it a little while longer. But I just want to mention a little bit about where my colleagues on the other side of the aisle—and I am sorry to say, I do say this "on the other side of the aisle," because this has become a partisan issue. There are matters passed out, "Senate vote analysis," passed out on everyone's desk, compiled and written by the staff of the Republican Policy Committee. This is not a bipartisan issue. This is being pushed by the leadership of the House and the leadership of the Senate.

I also say, however, if we go to this partisan issue that wants to put the above-ground storage at the Nevada test site—I show you this chart. It has on it information, not gathered by the Senators from the State of Nevada, but from the Council of National Seismic System Composite Catalog. It shows earthquakes of magnitude 2.5 and greater in the vicinity of the repository right here, the above-ground repository. This area is loaded with earthquakes. Not one, not two, not three—there are so many of them you cannot count, right on-site. These are earthquakes that have already taken place in the last 20 years. Don't you think it would be nice if this issue were debated in committee, that they hold some hearings on this?

This is stealth legislation.

We are proceeding on a bill that came from the House. Anyone would consider this legislation an environmental abomination. I should not say "anyone." But the vast majority of the people of this country would. The bills that have passed the House and Senate cannot be reconciled. With time running out, the nuclear utilities are furiously working behind closed doors to come up with a final bill. No one has any idea what they are going to come up with. Maybe the nuclear industry does. I wouldn't be surprised if they wrote it. But the final surprise bill is going to be proposed and sprung upon us at a later time, yet this body is voting to proceed to this measure. That should be reason enough not to proceed.

It is important to keep in mind that the President of the United States has already promised to veto this legislation, not once, not twice, but numerous times. I would say scores of times. He doesn't like this legislation. It is unfair. We should stick with what has been talked about, and that is whether or not there should be a deep repository at Yucca Mountain. Let the scientists go ahead and work on that. But that is not good enough for the very powerful, greedy nuclear utilities. That is not good enough for them. What they want is to short-circuit the system, go to the Nevada test site where we have all of these earthquakes, and pour a big cement pad on top of the ground and dump the canisters on top of the ground. It is easy. It is out of their hair. Even though my friend from Idaho agrees it is safe if they leave it where it is, why should we worry about transporting it all those miles? Why? Because the nuclear utilities want to get rid of it. They created the most poisonous substance known to man. They created it.

So, is it any wonder that this has been decried as a do-nothing Congress? The President said he will veto it. The Speaker of the House of Representatives said, "I'm not going to touch nuclear waste." Yet, we are marching forward on this legislation. Why? Why? Because, if the motion to invoke cloture prevails, we will go to nuclear waste and tobacco is history.

There seems to be an unhealthy obsession with satisfying the legislative interests of the nuclear waste industry. Are we satisfying them at the expense of a bill designed to curb teenage smoking, a goal that many publicly support. But secretly, do some want this legislation, tobacco legislation, to go away?

Preventing teenage smoking is something that is important. This room is not big enough to put in 3,000 kids. If they did, they would be jammed in pretty tight, on top of each other. Three thousand kids a day become addicted to tobacco smoking. And, no, they don't die today. But many, many of them are going to die because of one thing, tobacco, inhaling tobacco.

In the State of Nevada, almost 20 percent of high school kids chew tobacco, smokeless tobacco—18 percent.

We may have our differences over the best way of bringing about the cessation of teenage smoking and other forms of tobacco abuse, but I hope we don't disagree on the goal.

The two Senators from Nevada, I want it spread across the record of this Senate, will exercise every right that we have as Senators today, tomorrow, next week, the week after. We will make sure this issue is considered fully and fairly; that if cloture is invoked on this very inopportune legislation, we are going to do everything we can to make sure that our message is heard.

This is the wrong time to bring up legislation that has been guaranteed a veto by the President, and the Speaker of the House has said he will not move forward on it. We are prepared to spend as much time as possible debating this measure, even at the expense of other business that is important to this Senate.

There is a lot to go over on this legislation. We are voting to proceed to either a House bill that is an unacceptable environmental disaster or a substitute measure that has been written by the nuclear industry and seen by very few. I haven't seen the substitute. I assume the nuclear industry has. I haven't seen it. It has not been the subject of any hearings. It has not been given the opportunity to be marked up. It is not enjoying the benefit of public scrutiny and input from other interests.

Yet, the proponents of this measure are getting ready to spring this on this body and file cloture on it. That is the way they do it, because they know the longer it is subject to the light of day, the more warts will be revealed. Environmental groups will rip this substitute apart. Proponents would have you believe they are sweetening the pot to broaden their support. Nuclear waste is a witches' brew that is unacceptable and cannot be made palatable.

I urge all Members—Democrats and Senators of good will—recognizing the importance of tobacco, to vote against cloture. We need to get back to the problems of addressing teenage smoking. We don't need to be wasting this body's time on a measure that the President said he will veto and just yesterday the Speaker of the House said, "We're not going to touch nuclear waste."

I ask the Chair how much time the Senators from Nevada have remaining?

The PRESIDING OFFICER. The Senator has 14 minutes.

Mr. REID. I reserve the remainder of my time.

The PRESIDING OFFICER. If neither side yields time, time is equally charged.

Mr. MURKOWSKI. Mr. President, I wonder if the Chair will advise how much time is remaining.

The PRESIDING OFFICER. The Senator from Alaska has 12 minutes and 30 seconds; the Senator from Nevada has 13 minutes and 39 seconds.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, in the last few minutes we have heard from our friends from Nevada a good deal about the status of tobacco. How tobacco relates to high-level nuclear waste is beyond this Senator from Alaska. I think both can kill. Certainly tobacco, as we have evidenced, can kill and high-level nuclear waste, if not properly stored and not properly transported and not properly basically put to rest, can kill. But when I look at the reality of where we are in this debate, I refer my good friends to reflect on the action that was taken by the majority leader when he asked:

> I ask unanimous consent that it be in order for the majority leader, after notification of the Democratic leader, to resume consideration of the tobacco bill, notwithstanding rule XXII with respect to the nuclear waste bill.

That was objected to, Mr. President. It was objected to by the minority

leader. Let's not make any mistake about who is whom in wanting to go back to the tobacco bill. This was a unanimous consent request of the majority leader, a legitimate request, to guarantee going back, and it was objected to by the other side. So who is objecting to moving on tobacco? It is pretty clear. It ought to be clear to everybody.

We are all concerned about the disposition of the tobacco bill, but this bill has no relation. We have an obligation on this bill to address it with a resolve.

Do you have a few questions? Well, let's take a few, Mr. President. Anyone who buys the line that the tobacco industry and the nuclear power industry are somehow in bed together, why that is preposterous. It is absolutely preposterous. There is absolutely no connection, and we all know it. The Nevadans would have the alternative of doing absolutely nothing—absolutely nothing—about high-level nuclear waste.

Mr. President, this also is about Nevada politics, not about tobacco. It is Nevada politics, again, on who can generate the responsibility for killing this issue in the Congress of the United States, whether it be the House Member who is running for the Senate office or the Nevada Senator who is up for reelection. Whoever can put the best spin on it in Nevada is going to claim a victory. That is politics, but make sure we understand it, Mr. President.

When my good friend on the other side says that he has no idea what the substitute is about, well, somebody's memory is short because we debated the issue. We had a vote on the issue. The substitute we debated on April 15, 1997. The substitute was adopted 65 to 34. When he indicates that he has no idea relative to the amendment proposed to be offered, that was the Bingaman amendment. That was debated and debated extensively. So the record will note that the substitute was voted on 65–34 and was adopted. The Bingaman amendment was debated on the floor; it was rejected. The Senator from Alaska is proposing to take the Bingaman amendment, if we can move off the motion to proceed, and get this issue behind us.

Mr. President, let's make sure we understand what this issue is all about. It is about ducking our responsibility. It is about Nevada politics, and we are now told that the House won't take it up. I haven't seen a statement from the Speaker of the House of Representatives. Anyone can issue a press release, and it is important to recognize who is issuing the press release. It is the Congressman who is seeking the Nevada Senate seat so he can get aboard and claim that he is responsible for killing it.

As I said, anyone can issue a press release, but I can tell you what is true: We have a bill that received a big bipartisan vote. This is not a partisan issue, as evidenced by the vote last time.

We had 12 Democrats that voted with 53 Republicans. All right, that is a fact. I have the word of Chairman BLILEY in the House that he is committed to getting this bill done. I know the majority and minority staff of the Commerce Committee spent all day every day in the last recess negotiating a compromise. I do not think they would have done that if the leadership did not intend to take up the bill.

I think this is a blatant attempt to influence the vote today in effect to perhaps become a self-fulfilling prophecy. We have to focus on the substance of the bill and vote to do what is right, not put this off, not listen to political posturing from the other body or political posturing that affects this body.

So I urge my colleagues to vote yes on cloture. You know, if you look at this picture, here is the Nevada test site, Mr. President. The last weapon there was exploded underground in 1991. Underground tests are still performed there with nuclear materials being exploded with conventional explosives, all with the wholehearted support—the wholehearted support—of whom?

Well, here it is, Mr. President. Here is what the State of Nevada in its resolution says about the site. I would like to read relevant portions of the Nevada Assembly Joint Resolution No. 15 of February 26, 1975.

> Whereas, the people of Southern Nevada have confidence in the safety record of the Nevada Test Site and in the ability of the staff of the site to maintain safety in the handling of nuclear materials * * * [and]
>
> Whereas Nuclear waste disposal * * * can * * * be carried out at the Nevada Test Site with minimal capital investment relative to other locations; now, therefore, be it
>
> *Resolved, by the Assembly and the State of Nevada, jointly,* That the legislature of the State of Nevada strongly urges the Energy Research and Development Administration to choose Nevada Test Site for the disposal of nuclear wastes. . . .

That is what some people in Nevada and the Nevada legislature think about this idea. It is a pretty good idea. It means jobs. They want to see the ongoing development, if you will, of this area.

Let me tell you what the Sierra Club has to say about it. The Sierra Club is quite succinct. And I will read it as follows:

> "They're never going to be able to reclaim [this site, the Nevada test site] for 10,000 or 15,000 years," says Randy Harnes of the Sierra Club's Las Vegas chapter. "They might as well do [their research] there."

He concludes:

> Given the constant monitoring, the site "is probably the safest place in the whole United States."

There you have the Sierra Club, if you put a good deal of faith in their analysis.

Why can't we leave the waste at the reactors? First of all, as my friend from Idaho indicated, the court said the Department of Energy has a contract obligation. The Government has a contract obligation to take the waste in 1998. Congress cannot change that obligation. It is a taxpayers' liability. And the spent fuel was never meant to be stored for long-term storage. We know that.

It is estimated that if you are going to store it at the sites of the nuclear plants, it is going to cost you almost $8 billion. Who is going to pay for that? The ratepayers—ultimately the taxpayers.

We have heard a lot about Dr. Wilson today. Let me tell you what Ivan Selin, the chairman of the NRC said. Spent fuel can be managed more effectively and efficiently at a single site rather than at multiple sites. Dr. Selin, in a statement in March of 1995 to the Senate Energy Committee, said the NRC—that is the law of the nuclear land—"believe[s] that a centralized facility will provide safety advantages relative to dispersed storage at individual sites. Considering the 100-year potential time frame of licensed storage, a centralized facility would allow for a more focused inspection and surveillance program by both DOE and NRC."

So make no mistake about it, putting it in one site simply makes sense, and it is a logical observation that anybody would make relative to having temporary sites near the location of the reactors where it was never intended.

Mr. President, I would like to save a few minutes on this side for concluding remarks. So I ask how much time we have remaining?

The PRESIDING OFFICER. One minute 45 seconds.

Mr. MURKOWSKI. I ask that we may withhold that time.

Mr. REID. I yield to my colleague from Nevada such time as he may consume.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. BRYAN. I thank my senior colleague, and I thank the Chair.

Mr. President, this debate is winding down, but I think we need to make very clear that there is no misimpression created that somehow the Senators from Nevada have injected the nuclear waste and the tobacco issue together. It is my strong preference, as a member of the Commerce Committee, having served on that committee, and having voted with the great majority 19–1 to report this bill out—I am referring to Senator MCCAIN's legislation—and serving on the Finance Committee where it was reported out by a 12–6 vote—I was with the prevailing majority—my priority is to consider the tobacco legislation.

It was not the Senators from Nevada who interjected nuclear waste in the

midst of our discussion on tobacco. Now we have a way in this body of determining what our priorities are. If our priorities are addressed to finishing and completing a piece of legislation, neither hell nor high water can divert our attention and focus, and as the majority leader has said many times, and rightly so, we are going to stay on this issue until it is finished.

What is different here? It is a matter of priorities, I suspect, an agenda that may not be spoken. The best and the most effective way to deal with the tobacco issue is to stay on the bill until we complete it, and that is the logical thing to do. To go off that bill, go on nuclear waste, back and forth, is not the logical way to do it.

Mr. President, there is absolutely no urgency in the world to move to nuclear waste today. There is urgency to process this tobacco legislation. At the end of this day, when we return to our respective homes, another 3,000 young people in this country will have taken up smoking. And as we have said time and time again, 1,000 of them—1,000 of them—one-third will die prematurely as a result of smoking-related complications.

That is the urgency. That is the priority that I attach. Let me say that there are some things that have been said about this legislation that I do not have time to respond to completely, but the Nevada legislature has very strongly expressed its opposition. It is suggested by the chairman of the Senate Energy Committee that you can understand why Nevadans would be opposed to this legislation.

Let me suggest that opposition to this legislation has not come from Nevadans alone. When the American people are asked—the country as a whole—66 percent indicate they oppose temporary nuclear waste storage as proposed in this legislation. Only 17 percent support it; and another 17 percent do not know. This is a product of research done for the University of Maryland's 1997 National Omnibus Survey.

I have very little time, Mr. President, but I want to talk about what I call the "dirty little secret" that is involved here. What the nuclear utility industry wants more than anything else is for the American public—the taxpayers in America—to lift this financial responsibility.

Our friends in opposition who urge cloture frequently invoke the sanctity of this contract. This contract, as well as the legislation before us, requires those utilities to make a contribution to the nuclear waste trust fund of $1 million. That is a tenth of a penny for each kilowatt hour of nuclear power generated by these reactors. Here are the numbers. At no time did it contemplate, in addition to the expense incurred in terms of a permanent repository, that there would be an interim that would be added to this cost.

Here are the total costs to this program: $53.9 billion that is kind of broken down in terms of the Nevada transportation crosscountry, the so-called centralized interim storage facility that is being talked about here, all of the other expenditures.

So, $53.9 billion is what nuclear waste storage is going to cost us in America when this program ultimately winds down.

Here is the agenda, here is the agenda: total program costs, $53.9 billion; total revenue derived from the utilities, and that is at the current rate of 1 mill for each kilowatt-hour, is $28.1 billion.

Guess who gets stuck with that number? Guess who gets stuck with that number? All of you, all of you. Every taxpayer in America, $25.8 billion. That is at the current rate. If that gives you a little bit of elevated blood pressure, under H.R. 1270, the contribution of 1 mill would be roughly reduced by a third. So it would be, like, three-tenths of 1 mill, which would mean this number—rather than going to $25.8 billion, billions of additional dollars will have been added.

That is what the agenda is on the part of the utilities. Their contract, the same contract that has been invoked with such sanctity, as well as the legislation, requires the nuclear utility industry to cover the costs of the high-level waste disposal program in America. They would like to shift that burden to you.

Now, we haven't talked about one other issue, and that is, finally, the transportation issue. It is absolutely crazy, and the Congress recognized this, to "site" an interim storage, whatever merit an interim storage might have. Assume for the sake of argument there was some conceivable merit to it, although I must say I find none and there is no compelling reason and none of the scientists tells us it ought to be done. Assume for the sake of argument, no one agrees we should have a site for interim storage until the permanent site is determined.

This chart depicts the transportation routes. Nevada is frequently the focus because we wind up at the end. But there are over 50 million Americans who will be affected within 1 mile or less of the site of the various transportation routes. This chart shows rail routes and highway routes. Every American is placed at risk. That makes no sense, either. That is why the current law, the law that would be changed by H.R. 1270—no temporary facility until we make a judgment with respect to the permanent.

I conclude as I began. There is a lot more to this than meets the eye. The President of the United States has indicated he is going to veto this legislation and he has indicated the reasons for that. Bad policy and bad science conclude that this ought not to be passed. The Speaker of the House, who wears a different political jersey than the Senators of Nevada, indicates that this legislation is not going to be enacted or acted upon by the House this year. He made a similar statement in 1996 and it was not processed.

So, why are we doing this? Why are we going off of the tobacco bill? Could it be that there are some in this Chamber who really don't want to see tobacco legislation enacted? There is no conceivable reason that we have to have the vote on nuclear waste today. The leadership has every right at any time to file a motion to invoke cloture under our rules to proceed to the bill, and it is simply a matter of time elapsing for that to mature. That could be done next week, the week thereafter, or in anticipation of the conclusion of the tobacco debate.

I respectfully submit, Mr. President, that the timing of this issue is highly suspect. To those of us who are committed to the tobacco legislation, that is a priority in America. Can there be any greater priority than the young people in America, at a time when the data reflects that the rate of increase of youngsters under the age of 18 has increased dramatically? We need comprehensive tobacco legislation. A vote invoking cloture jeopardizes that bill, may kill the tobacco legislation. Oppose the cloture vote, we stay on tobacco. We do what the American people have a right to expect us to do, and that is to act on behalf of the young people of America.

I reserve any remainder of time I may have.

Mr. JOHNSON. Mr. President, as we begin our second week of debate on the tobacco settlement legislation introduced by Senator MCCAIN, we are faced with a cloture vote on H.R. 1270, the Nuclear Waste Policy Act. As we all know, the issues surrounding nuclear waste storage are extremely complex, often contentious, and no simple solutions exist. While I do not agree with everything in the bill, I have supported legislative action on this critical issue in the past and hope to in the future. This country cannot afford inaction on this issue, and it is my hope that we will soon move to address this vital issue.

That being said, I oppose the effort to invoke cloture on H.R. 1270 today. We concluded one week of debate on a national tobacco settlement prior to the Memorial Day recess. That legislation, which is absolutely critical to public health, and especially children's health, remains the pending business before the Senate, and I cannot support any effort to substitute other legislation before this body at this time.

We all know the vital statistics surrounding underage tobacco use. Every day, 3,000 children will start smoking. One thousand of them will die prematurely from this addiction. It is

time to pass comprehensive tobacco legislation that addresses the critical public health issues caused by tobacco use. Such an approach will reduce teen smoking, invest in public health research and programs to help smokers quit, and protect tobacco farmers and their communities.

Let us keep in mind that the tobacco industry has carefully targeted children. They have done this because children are most vulnerable to nicotine addiction and they are most easily affected by slick advertising and promotional ploys. The evidence is overwhelming that smoking is a pediatric disease. Almost ninety percent of all people who ever try a cigarette, do so by age 18, and 71 percent of people who have ever smoked daily were smoking by age 18.

My own state of South Dakota ranks second among all states in underage tobacco use. Almost 40 percent of our high school kids smoke cigarettes, and even more use smokeless tobacco. Almost a quarter of all expectant mothers in South Dakota report using tobacco during pregnancy; an appalling statistic that results in low birth weight and other natal difficulties.

Mr. President, we face an historic opportunity to address a critical public health problem. I firmly believe that this legislation will be remembered as a dramatic change in our government's efforts and policies. This bill will be one of the most socially significant items this Congress tackles. Therefore, I will oppose cloture on H.R. 1270 at this time. The Senate should maintain focus on tobacco legislation that will help our children withstand the pressures and inducements of the tobacco industry to addict them to tobacco products.

I must also express my frustration over a recent statement from the Speaker of the House. He has apparently determined that the nuclear waste conference report will not be considered by the House of Representatives. If that is the case, any further action on the Senate floor is obviously for partisan political purposes, and I will not support furthering that goal.

Mr. KOHL. Mr. President, I will vote against cloture on the motion to proceed to the House version of the nuclear waste bill, but I want to be very clear that my vote does not change my strong support for nuclear waste legislation—and for passing such legislation this year. The federal government must act to fulfill its legal responsibility to store used fuel from more than 100 nuclear power plants across America. Over a decade ago, the federal government promised the ratepayers of Wisconsin that it would take possession of all the spent nuclear waste in the State by 1998 and send it to the desert of Nevada for long-term storage. On the basis of that promise, the ratepayers of Wisconsin have paid over $250 million into a fund to help pay for the construction of the storage site. But we have seen no return on that investment, only delays.

This vote today has nothing to do with nuclear waste. The fate of that legislation lies in the House. The vote today is about tobacco—and whether we will continue to work on the strong tobacco control legislation that we started on two weeks ago.

Let me be clear about that because most people watching this debate outside of Washington D.C. may not understand how these two important issues are linked. Very simply, if we invoke cloture right now, the tobacco bill will be bumped off the Senate floor and will not come back until the majority leader, and every Member of this body, agrees to bring it back. Though I think there is tremendous support for tobacco legislation, I do not think there is unanimous support—and that's what we would need to bring the bill up again.

So I will oppose cloture today, but I will continue to support the nuclear waste bill; I will vote for it if it comes up again this year; and I will support cloture motions related to it—as long as they are not simply legislative maneuvers to kill other important initiatives.

Mr. MURKOWSKI. How much time is remaining on this side?

The PRESIDING OFFICER. One minute 41 seconds and the other side has 4 minutes 14 seconds.

Mr. GRAHAM. Would the Senator from Alaska or the Senator from Idaho yield for a question?

Mr. MURKOWSKI. I am pleased to yield, but I would like to ask on whose time.

Mr. GRAHAM. I have no time.

I ask unanimous consent I be allowed to ask questions for no longer than 2 minutes without counting against either side.

Mr. MURKOWSKI. I have no objection.

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

Mr. GRAHAM. Mr. President, in light of what the Speaker announced were his intentions, is it your understanding that if we made any amendment to this legislation and therefore caused it to have to return to the House, that we would essentially be defeating the legislation?

Mr. MURKOWSKI. Mr. President, if I may respond to my friend from Florida, first of all, we have not been able to obtain a copy of any statement from the Speaker. The statement that has been alluded to on the floor is a statement by the Congressman from Nevada who is running for the Senate office. He released a statement which indicated that the House leader would not take up the bill. We have not been able to confirm that with the House leader.

It would be my intention to offer the Senate-passed bill, Senate bill 104, with an addition of the Bingaman amendment, which was circulated at the time of the Senate consideration. If informal negotiations with the House bear fruit, which they certainly have been, I will probably offer a perfecting amendment, but there is no agreement at this time.

Mr. GRAHAM. Would the Senator not agree, in order to deal with the statement that the Speaker made as well as his actions over the past period in frustrating the adoption of a Nuclear Waste Policy Act, we would be well advised before we take up this cloture vote to adopt by unanimous consent agreement that no amendments would be in order to H.R. 1270, thus to assure that the bill would, if passed, go directly to the President?

The PRESIDING OFFICER. The Senator's 2 minutes have expired.

Mr. MURKOWSKI. If I may respond, I don't have any type of vote counts on the House bill, and I would have to defer from any guesstimate.

If I may reclaim my remaining time.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. MURKOWSKI. Mr. President, we have heard tobacco brought into this discussion. Tobacco certainly is a problem. We recognize that. So is nuclear waste responsibility. We have that before the Senate now. But with nuclear waste, the Government has a liability already established and established in a court of law. There is no such obligation with respect to tobacco. We are trying to address that now.

On nuclear waste, we have collected $14 billion from the taxpayers for its disposal. On tobacco, we have not collected one dime.

I also remind my colleagues we have had a unanimous consent request to take up tobacco next. It has been objected to by the minority leader.

So make no mistake about it, Mr. President, we spent a lot of time trying to resolve this important issue. We are in the homestretch now. The House bill got 307 votes, if there is any question about the attitude prevailing in the House. The Senate bill we are voting on today had 65 votes the last time. That is the kind of overwhelming bipartisan support—and there is no reason this bill should not be passed now. Democrats who were with us last time included Senators CLELAND, GRAHAM, HARKIN, HOLLINGS, JOHNSON, KOHL, LEAHY, LEVIN, MOSELEY-BRAUN, MURRAY, ROBB, and WYDEN.

The whole business is there today. The obligation remains here today to address this and not put it off. The Senators from Nevada say not today, not today, not today. Well, when? How many dollars does the taxpayer have to address as far as his responsibility, when the ratepayers have paid $14 billion and the taxpayers are now stuck for liability when we go to court and we don't have a resolve of this problem.

There is no use putting it off today. The time to act is now.

I yield the floor.

Mr. REID. I yield 2 minutes to the Senator from Florida.

Mr. GRAHAM. Mr. President, I appreciate this opportunity. I strongly support the Nuclear Waste Policy Act. As the Senator from Alaska just stated, I was one of the 65 Senators who voted for it when we last passed it. I think it is very important that we pass a Nuclear Waste Policy Act as part of a national effort to assure that nuclear energy will continue to play a significant part in America's energy future. This importance is underscored by the contribution which nuclear energy can make to the United States meeting its global warming commitments without incurring major economic disruption in the rest of our economy.

I am concerned, however, Mr. President, that I do not believe what we are about this afternoon is serious legislation but, rather, is a subterfuge. If I felt that by invoking cloture today and then passing it today or tomorrow we would move toward the adoption of the National Waste Policy Act, I would be a strong supporter. But the Speaker of the House, through a statement of an honorable Member of the House, has indicated that it is not his intention to take this legislation up in the House of Representatives. Therefore, unless we are willing to adopt precisely what the House has submitted and send it directly to the President for signature, any amendment that we might consider would have the effect of dooming this legislation.

I am also concerned, Mr. President, that the effect of this would not only be to send the Nuclear Waste Policy Act to sure death in the House of Representatives, but it would also kill the tobacco bill here in the U.S. Senate. Without a unanimous consent agreement that assures that we would return immediately to the tobacco legislation, I am unwilling to take the risk of removing it as the business before the Senate and substituting the Nuclear Waste Policy Act, as much as I support that legislation.

So for those reasons, I will vote against invoking cloture.

Mr. REID. Mr. President, what time remains?

The PRESIDING OFFICER (Mr. BROWNBACK). There is 1 minute 30 seconds remaining.

Mr. REID. I yield 1 minute to my colleague from Nevada.

Mr. BRYAN. Mr. President, I think the Senator from Florida has cut to the core of this issue. From the perspective of those who want this legislation to proceed, the question of adopting the House bill without amendment obviously moves that process forward. We are now told that, no, that is not the strategy, that we want to offer a so-called Bingaman amendment; and then we hear that there is a so-called perfecting amendment, which nobody has seen. Out our way, that is called keeping some cards up your sleeve. We don't have any idea what we are going to be asked to vote on. I think our colleague makes a good point. I urge rejection of the motion to invoke cloture.

Mr. REID. Mr. President, the action today is a waste of time. Let's move to tobacco, to the Patients' Bill of Rights, to IRS reform, or to the appropriations bills—13 in number—or let's move to school construction; let's do something that is worth while. The President said he will veto this. The Speaker has said he won't consider it. This is a waste of time.

I urge everybody to vote no on cloture.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the hour of 6 p.m. having arrived, the clerk will report the cloture motion.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to calendar No. 312, H.R. 1270, the Nuclear Waste Policy Act:

Trent Lott, Frank H. Murkowski, Chuck Hagel, Slade Gorton, Pat Roberts, Olympia J. Snowe, Jon Kyl, Tim Hutchinson, Rod Grams, Spencer Abraham, Pete Domenici, Bill Roth, Don Nickles, Thad Cochran, Michael B. Enzi, Charles Grassley.

CALL OF THE ROLL

The PRESIDING OFFICER. By unanimous consent, the quorum call under the rule is waived.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the motion to proceed to the consideration of H.R. 1270, an act to amend the Nuclear Waste Policy Act of 1997, shall be brought to a close?

The yeas and nays are required under the rules.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Oklahoma (Mr. INHOFE) is necessarily absent.

I also announce that the Senator from Pennsylvania (Mr. SPECTER) is absent because of illness.

Mr. FORD. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from California (Mrs. BOXER), and the Senator from Illinois (Ms. MOSELEY-BRAUN), are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 56, nays 39, as follows:

[Rollcall Vote No. 148 Leg.]

YEAS—56

Abraham	Frist	McCain
Allard	Gorton	McConnell
Ashcroft	Gramm	Murkowski
Bennett	Grams	Nickles
Bond	Grassley	Robb
Brownback	Gregg	Roberts
Burns	Hagel	Roth
Campbell	Hatch	Santorum
Chafee	Helms	Sessions
Coats	Hollings	Shelby
Cochran	Hutchinson	Smith (NH)
Collins	Hutchison	Smith (OR)
Coverdell	Jeffords	Snowe
Craig	Kempthorne	Stevens
D'Amato	Kyl	Thomas
DeWine	Levin	Thompson
Domenici	Lott	Thurmond
Enzi	Lugar	Warner
Faircloth	Mack	

NAYS—39

Akaka	Feingold	Lautenberg
Baucus	Feinstein	Leahy
Bingaman	Ford	Lieberman
Breaux	Glenn	Mikulski
Bryan	Graham	Moynihan
Bumpers	Harkin	Murray
Byrd	Inouye	Reed
Cleland	Johnson	Reid
Conrad	Kennedy	Rockefeller
Daschle	Kerrey	Sarbanes
Dodd	Kerry	Torricelli
Dorgan	Kohl	Wellstone
Durbin	Landrieu	Wyden

NOT VOTING—5

Biden	Inhofe	Specter
Boxer	Moseley-Braun	

The PRESIDING OFFICER. On this vote, the yeas are 56, the nays are 39. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I just received a statement from the Speaker of the House concerning the last vote we had on the high-level nuclear waste bill. I would like to enter the Speaker's statement on the nuclear waste bill in the RECORD so that there will not be any confusion as to the position of the Speaker of the House of Representatives. I ask unanimous consent that this statement be printed in the RECORD.

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

SPEAKER'S STATEMENT ON NUCLEAR WASTE BILL

WASHINGTON, DC.—House Speaker Newt Gingrich released the following statement on the status of the nuclear waste bill.

"Although I strongly support a legislative resolution to the nuclear waste issue, it is unlikely that such a bill will make it past the President's veto to become law this year. Because of the crowded calendar and the strong opposition of some members, I do not expect to schedule floor action this year.

"Along with his colleague Jim Gibbons, John Ensign has been a forceful and effective

voice for the citizens of Nevada in opposing the nuclear waste bill."—House Speaker Newt Gingrich.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

NOMINATION OF ROSEMARY S. POOLER, OF NEW YORK, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SECOND CIRCUIT

The PRESIDING OFFICER. Under a previous order, the Senate will now proceed to executive session to consider the nomination of Rosemary S. Pooler, of New York, to be United States Circuit Judge for the Second Circuit, Calendar No. 622.

The nomination is confirmed.

The nomination considered and confirmed is as follows:

THE JUDICIARY

Rosemary S. Pooler, of New York, to be United States Circuit Judge for the Second Circuit.

LEGISLATIVE SESSION

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

May we please have order.

The Senator from Idaho.

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

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

Mr. LEAHY. Mr. President, what is the parliamentary situation?

NATIONAL TOBACCO POLICY AND YOUTH SMOKING REDUCTION ACT

The Senate continued with the consideration of the bill.

AMENDMENT NO. 2446, AS MODIFIED

The PRESIDING OFFICER. The question is now on the McCain amendment No. 2446, as modified.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, so Members will have some idea—maybe a little better than I do—as to exactly how we are going to proceed——

Mr. FORD. May we have order, Mr. President, to listen to the majority leader?

The PRESIDING OFFICER. Let's have order in the body, please.

Mr. LOTT. I believe the pending business is the McCain amendment. Senator MCCAIN had hoped he could have a recorded vote on his amendment, but I know it has unanimous support. Because a number of Senators are having problems with schedules, Senator MCCAIN has agreed that we will go ahead and have a voice vote on his amendment. I thank him for that cooperation. I know he feels very strongly about it, and it is the right thing to do for the veterans of our country. So that will be then the next order, the voice vote.

Mr. DASCHLE. Mr. President, the Senate is not in order.

The PRESIDING OFFICER. Can we please have order in the body? The majority leader has the floor and is discussing important business. May we please have order in the body?

Mr. LOTT. After the McCain amendment is unanimously accepted, I am sure there will be some further general debate or discussion about the tobacco bill, and we will work then on exactly the time we will come in on Thursday and when the first votes will occur with regard to the Durbin amendment or the Gramm amendment, or if they agree to set them aside so we can go to other business we will make that announcement either later on tonight or tomorrow during the day, even though we will be out. We will put it on the recording so Senators will know.

There will not be, it doesn't appear at this time, an early vote on Thursday, but we do hope to get a couple votes before noon on Thursday. We will be working on that. We will do this by voice vote, and that will be the last vote for the night.

Mr. CHAFEE. Mr. President, I wonder, if I can ask the majority leader a question.

Mr. LOTT. Mr. President, just to make clear, that will be the last recorded vote for tonight. We may be able to do other business by unanimous consent. I didn't want to leave the wrong impression there.

Mr. CHAFEE. Mr. President, if I can ask the majority leader, it is my understanding that there will be an effort to hot line the technical corrections on the transportation legislation.

Mr. LOTT. There certainly will be, Mr. President. It is very hot. We are trying to get it done before it gets worse. I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the McCain amendment No. 2446.

The amendment (No. 2446), as modified, was agreed to.

Mr. ROCKEFELLER. Mr. President, I am pleased that my colleagues have agreed to secure a small piece of the tobacco revenue to improve veterans' access to health care. The amendment offered by my colleague, Senator MCCAIN, is similar to an amendment I had planned to offer which would have set aside $2.7 billion for veterans health care; and I am delighted that he shares my views on this matter. In my view, given the significant increased costs of providing VA health care due to smoking-related illnesses, it only seems fair to do something to fortify the veterans' health care system.

Specifically, this amendment, Amendment No. 2446 to S. 1415, would dedicate $600 million per year of the spending included in the tobacco bill to help reimburse VA for their smoking-related expenses and expand access for direct smoking-related services to other veterans.

I want to talk about the amount of funding for the moment. I arrived at this formula because the VA's increased costs due to smoking are about 7 percent of the estimated total federal health care costs due to tobacco-related illnesses.

This amendment is really a modest one. I ask my colleagues to look at the estimates for VA's cost of providing smoking-related health care. In 1997, VA spent $3.6 billion, and over the next five years, will spend $20 billion.

I believe many of my colleagues would be surprised to learn that VA spends so much. But it is true. Veterans have a very high prevalence of smoking-related diseases and illnesses, because as young servicemembers, they were encouraged to smoke by the military and became addicted. Let me remind my colleagues that the military distributed free cigarettes in C-rations and K-rations and sold tobacco products at vastly reduced prices to service members, a practice that continued until very recently.

And in the aggregate, veterans are older, and, therefore, the long-term effects of smoking are likelier to have taken a toll on their health status.

To put it all in perspective, we are not asking our colleagues to approve an amendment to completely reimburse VA for their full health care costs—though many believe this would be justified. No, this amendment would be limited to just a fraction of VA's true costs—approximately 15% of what they are actually spending taking care of veterans afflicted by diseases and illnesses caused by smoking.

Quite obviously, providing tobacco-related health care places a tremendous financial burden on the VA health care system. I want to make one thing perfectly clear: because of limited resources, the VA health care system is not and has never been accessible to any veteran who walks in the door. There is no entitlement to health care for all veterans.

Because all of the health care provided at VA hospitals and clinics is subject to the availability of funding, VA enrolls veterans according to certain priorities. Those veterans with service-connected disabilities, or low incomes, or those who are members of certain groups, like former prisoners of war, are enrolled first, and second, and third, and so on.

With an essentially frozen budget, when VA covers the health care costs for smoking-related care, it means that other veterans are denied care.

Though modest, the amendment would do wonders to VA's ability to provide more health care to veterans. Some 240,000 veterans who would not gain access to VA's health care system would now be able to see VA doctors and nurses. Veterans dying of smoking-related illnesses could spend their final days in VA hospices.

Finally, Mr. President, I find it quite ironic that this amendment comes on the heels of the elimination of a $16 billion existing veterans' benefits to offset funding in the highway bill. That particular battle has been lost, and nothing can make amends for cutting an existing veterans benefit to pay for highways. Though the damage is done, I am pleased that my colleagues have chosen with this amendment to provide a measure of security for veterans and the health care system dedicated to serve their needs.

The PRESIDING OFFICER. Who seeks recognition?

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

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

TEA-21 RESTORATION ACT

Mr. WARNER. Mr. President, there has been a concerted effort by the majority leader and the Democrat leader, Chairman CHAFEE, myself, and the distinguished ranking member, Mr. BAUCUS, to try and get a voice vote tonight on a technical corrections bill to the ISTEA legislation which was adopted by the Senate just before we went on recess. I regret that we are not going to be able to handle that matter tonight.

But a part of that very important Technical Corrections Act would address an error that was made in the drafting of the bill which related to veterans. Being a veteran myself, and many others in this body, we were quite concerned about that mistake. And the purpose of my taking the floor now is to advise the Senate this matter will be corrected in the TEA-21 Restoration Act, which is a euphemism for the Technical Corrections Act, when we get to it. We will renew or efforts on Thursday.

I think it is important to put in tonight's RECORD a little of the background how this mistake was made.

The TEA-21 Restoration Act, which is, as I said, the Technical Corrections Act, corrects drafting errors to section 8201, also known as the Veterans Benefits Act of 1998.

Specifically, the corrections to this subtitle of the conference report relate to using funds estimated for the veterans smoking-related disability benefits as a budget offset for transportation spending.

The use of funds identified to finance the veterans tobacco-related smoking disability benefits for other domestic discretionary programs was first proposed in President Clinton's fiscal year 1999 budget request.

The Senate budget resolution also identified these funds as potential offsets for transportation spending.

During the conference on the Transportation Equity Act for the 21st Century (TEA-21), the Senate and House leadership and the Clinton administration agreed to use the funds estimated for the veterans smoking-related disability benefit as an offset so that transportation spending would equal gas tax revenues collected for the highway trust fund.

The provision included in the conference report on TEA-21 to use the veterans smoking-related disability benefits for transportation was drafted incorrectly and had the unintended consequence of identifying smoking as an act of "willful misconduct" by veterans.

That was a tragic error, drafting error, that took place in the legislative counsel's office. It was unintended.

I have gone back and read the code, found the section from which this concept was withdrawn, and it was just one of those mistakes. There was a great deal of rushed effort toward the end of this bill and those types of mistakes happen. What is most regrettable, it has caused a great deal of emotional stress among veterans. For that, I and many others apologize.

Today, at our midday caucus, Senator MCCAIN raised this matter and spoke most passionately on it, about his concern to have it corrected. That is one of the reasons I have come to the floor tonight, to assure Senators if and when we get to this technical correction bill it will be corrected.

The provision in the TEA-21 Restoration Act corrects any reference to smoking as an act of "willful misconduct" by veterans.

This provision also clarifies that veterans who have filed claims for smoking-related benefits are grandfathered.

The provision also makes clear that those active-duty service personnel who have a smoking-related illness will continue to qualify for disability compensation.

Another correction in this bill relates to ensuring that survivors and their dependents will receive the increased benefits of the Montgomery G.I. Bill provided in the conference report.

The offsets clarified in the TEA-21 Restoration Act remain those that were identified in the President's budget request and the Senate budget resolution.

Mr. President, I ask unanimous consent to have printed in the RECORD following my remarks a letter from the Executive Office of the President dated May 29, 1998. This is a transmission from the President through the Office of Management and Budget to advise the Senate on how best to make this correction.

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

(See Exhibit 1)

Mr. WARNER. I also ask unanimous consent immediately following that to have printed in the RECORD a copy of the bill to be known as the Technical Corrections Act, or Restoration Act.

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

(See Exhibit 2)

Mr. WARNER. This afternoon, Chairman CHAFEE and the ranking member, Mr. BAUCUS, and myself had a meeting of the Committee on Environment and Public Works. It was well attended by Members. We explained this situation and how there were three committees working on this important piece of legislation. Of course, the committee of original jurisdiction, the Environment and Public Works, another committee of original jurisdiction, the Banking Committee, which dealt with the mass transit part of the bill, and also throughout Chairman DOMENICI and the distinguished ranking member, the Senator from New Jersey, Senator LAUTENBERG, worked with us from the standpoint of the Budget Committee, which had an important role, of course, in the offset issue.

So many people were involved—three staffs, three committees. We regret sincerely that this error took place. We hope we have taken the appropriate corrective measures.

This language has been submitted to the veterans committee for review. I understand the Senator from West Virginia, Mr. ROCKEFELLER, will have some views to express on this matter, and also the Budget Committee. There is a report to the Senate and to those who are following this issue in hopes that we can put to rest a very serious problem which was accidental, I am convinced of it. We regret most sincerely, speaking to myself and I think many other veterans, that this caused such consternation among the veterans of the United States.

EXHIBIT 1

OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, May 29, 1998.

NOTE FOR BILL HOAGLAND

From: Jack Lew

Subject: Technical Corrections to the TEA Bill

Attached per our conversation is the Administration's original legislative proposal for the Veterans tobacco offset, which would correct all of the problems created by the

language included in the enrolled TEA bill. We have drafted this as an amendment to TEA that would delete the incorrect language and insert the original Administration proposal.

We are continuing to discuss administrative remedies with the Department of Veterans Affairs, but those discussions have not yet reached a final conclusion.

Please call me if you have any questions. (I will be out on Monday, and Josh Gotbaum or Dan Mendelson will be able to help you.)

EXHIBIT 2

SEC. 14. CORRECTIONS TO VETERANS SUBTITLE.

(a) TOBACCO-RELATED ILLNESSES IN VETERANS.—Section 8202 of the Transportation Equity Act for the 21st Century is amended to read as follows (and the amendments made by that section as originally enacted shall be treated for all purposes as not having been made):

"SEC. 8202. TREATMENT OF TOBACCO-RELATED ILLNESSES OF VETERANS.

"(a) IN GENERAL.—(1) Chapter 11 of title 38, United States Code, is amended by inserting after section 1102 the following new section:

'§ 1103. Special provisions relating to claims based upon effects of tobacco products

'(a) Notwithstanding any other provision of law, a veteran's disability or death shall not be considered to have resulted from personal injury suffered or disease contracted in the line of duty in the active military, naval, or air service for purposes of this title on the basis that it resulted from injury or disease attributable to the use of tobacco products by the veteran during the veteran's service.

'(b) Nothing in subsection (a) shall be construed as precluding the establishment of service connection for disability or death from a disease or injury which is otherwise shown to have been incurred or aggravated in active military, naval, or air service or which became manifest to the requisite degree of disability during any applicable presumptive period specified in section 1112 or 1116 of this title.'.

"(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1102 the following new item:

'1103. Special provisions relating to claims based upon effects of tobacco products.'.

"(b) EFFECTIVE DATE.—Section 1103 of title 38, United States Code, as added by subsection (a), shall apply with respect to claims received by the Secretary of Veterans Affairs after the date of the enactment of this Act.".

(b) GI BILL EDUCATIONAL ASSISTANCE FOR SURVIVORS AND DEPENDENTS OF VETERANS.—Subtitle B of title VIII of the Transportation Equity Act for the 21st Century is amended by adding at the end the following new section:

"SEC. 8210. TWENTY PERCENT INCREASE IN RATES OF SURVIVORS AND DEPENDENTS EDUCATIONAL ASSISTANCE.

"(a) SURVIVORS AND DEPENDENTS EDUCATIONAL ASSISTANCE.—Section 3532 of title 38, United States Code, is amended—

"(1) in subsection (a)(1)—

"(A) by striking out '$404' and inserting in lieu thereof '$485';

"(B) by striking out '$304' and inserting in lieu thereof '$365'; and

"(C) by striking out '$202' and inserting in lieu thereof '$242';

"(2) in subsection (a)(2), by striking out '$404' and inserting in lieu thereof '$485';

"(3) in subsection (b), by striking out '$404' and inserting in lieu thereof '$485'; and

"(4) in subsection (c)(2)—

"(A) by striking out '$327' and inserting in lieu thereof '$392';

"(B) by striking out '$245' and inserting in lieu thereof '$294'; and

"(C) by striking out '$163' and inserting in lieu thereof '$196'.

"(b) CORRESPONDENCE COURSE.—Section 3534(b) of such title is amended by striking out '$404' and inserting in lieu thereof '$485'.

"(c) SPECIAL RESTORATIVE TRAINING.—Section 3542(a) of such title is amended—

"(1) by striking out '$404' and inserting in lieu thereof '$485';

"(2) by striking out '$127' each place it appears and inserting in lieu thereof '$152'; and

"(3) by striking out '$13.46' and inserting in lieu thereof '$16.16'.

"(d) APPRENTICESHIP TRAINING.—Section 3687(b)(2) of such title is amended—

"(1) by striking out '$294' and inserting in lieu thereof '$353';

"(2) by striking out '$220' and inserting in lieu thereof '$264';

"(3) by striking out '$146' and inserting in lieu thereof '$175'; and

"(4) by striking out '$73' and inserting in lieu thereof '$88'.

"(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1998, and shall apply with respect to educational assistance allowances paid for months after September 1998.".

Mr. WARNER. I yield the floor and 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. MCCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

MORNING BUSINESS

Mr. McCAIN. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business, with Senators permitted to speak for up to 10 minutes each.

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

CONFIRMATION OF ROSEMARY S. POOLER TO BE UNITED STATES CIRCUIT JUDGE FOR THE SECOND CIRCUIT

Mr. LEAHY. Mr. President, I congratulate Judge Rosemary Pooler on her confirmation as a member of the Second Circuit. She has been providing a great service as a United States District Court Judge in the Northern District of New York. President Clinton nominated her last November to fill a vacancy on the Second Circuit. I worked very hard to have her included in a prompt confirmation hearing, was finally able to get her included in a hearing on May 14 and, with the cooperation of Chairman HATCH, have her reported by the Judiciary Committee on May 21. With her confirmation, Judge Pooler becomes the second woman to serve as a member of the United States Court of Appeals for the Second Circuit.

Ironically, her confirmation also brings into sharp relief the harm that is being perpetuated in the Northern District of New York by the Senate's refusal to consider Clarence Sundrum, another nominee for a longstanding vacancy on an overburdened court. Mr. Sundrum was first nominated in September 1995, over two and one-half years ago. The vacancy has long been considered a judicial emergency. This judicial nomination is the oldest pending judicial nomination before the Senate. After two hearings and almost three years, Mr. Sundrum has still not been considered by the Judiciary Committee or the Senate.

I was very disappointed that Judge Pooler was not confirmed before the Senate left for its Memorial Day recess. Along with the confirmations of Judge Sonia Sotomayor, Robert Sack and Chester Straub, her confirmation will help end the continuing emergency caused by the vacancy crisis on the Second Circuit. I want to thank the Majority Leader for calling up the nomination of Judge Rosemary Pooler today and Chester Straub yesterday.

As I noted most recently on May 21 and May 22, the Second Circuit is suffering from an unprecedented emergency caused by the vacancies crisis on that court. We have had four nominees before the Senate for many months who together could help end this crisis.

On March 25, the five continuing vacancies on the 13-member court caused Chief Judge Ralph Winter to certify a circuit emergency, to begin canceling hearings and to take the unprecedented step of having 3-judge panels convened that include only one Second Circuit judge. On April 23, Chief Judge Winter was forced to issue additional emergency orders.

The people of the Second Circuit need additional federal judges confirmed by the Senate. Indeed, the Judicial Conference of the United States recommends that in addition to the current vacancies, the Second Circuit be allocated an additional two judgeships to handle its workload. The Second Circuit is suffering harm from the vacancy crisis and Senate inaction.

This past weekend the Second Circuit held its annual circuit conference. I was pleased that this year's meetings could be held in Manchester, Vermont, and congratulate Chief Judge Murtha of the District Court of Vermont on the success of those meetings.

In connection with the annual conference, the Chief Judge of the Second Circuit issued his annual report. Chief Judge Winter concentrates on "the problem, now chronic as well as aggravated, of obtaining resources equal to the jurisdictional responsibilities entrusted to the Court." In particular, he notes that the filings with the Court of

Appeals rose 20 percent over the last two years while its active judges went down by 33 percent, from 12 to eight.

After thanking the senior judges, district judges and visiting judges from other circuits, without whom the Second Circuit "would have been engulfed by a backlog that would not be amenable to future reduction," he went on to note:

> The semblance of normalcy, however, is still just a semblance. Ten panel days in April and June had to be canceled outright. Seven panels were able to hear cases only after I certified that a judicial emergency existed so that the panel could proceed with only one member of the court and two visiting judges. The number of pending cases is increasing at an alarming rate, and the Court has the largest backlog in its history.

The Chief Judge had some blunt talk for congressional critics.

He concludes:

> The political branches have steadily increased our federal question jurisdiction, have maintained an unnecessarily broad definition of diversity jurisdiction, and then have denied us resources minimally proportionate to that jurisdiction. That is the problem. The result is that a court with proud traditions of craft in decision-making and currency in its docket is now in danger of losing both.

I conclude by noting my regret that the Senate is not proceeding to consider the longstanding nomination of Judge Sonia Sotomayor. I will continue to press for her confirmation and that of Robert Sack to the Second Circuit. I have been urging favorable Senate action on the nomination of Judge Sonia Sotomayor to the Second Circuit for many months.

Judge Sonia Sotomayor is a qualified nominee who was confirmed to the United States District Court for the Southern District of New York in 1992 after being nominated by President Bush. She attended Princeton University and Yale Law School. She worked for over four years in the New York District Attorney's Office as an Assistant District Attorney and was in private practice with Pavia & Harcourt in New York. She is strongly support by Senator MOYNIHAN and Senator D'AMATO. She is a source of pride to Puerto Rican and other Hispanic supporters and to women. When confirmed she will be only the second judge of Puerto Rican descent to serve on the Second Circuit.

By a vote of 16 to 2, the Judiciary Committee reported the nomination of Judge Sonia Sotomayor to the Senate. That was on March 5, 1998, almost three months ago. No action has been taken or scheduled on that nomination and no explanation for the delay has been forthcoming. This is the oldest judicial nomination pending on the Senate Executive Calendar. In spite of a bipartisan April 9 letter to the Senate Republican Leader signed by all six Senators from the three States forming the Second Circuit urging prompt action, this nomination continues to be stalled by anonymous objections. Our bipartisan letter to the Majority Leader asked that he call up for prompt consideration by the Senate the nomination of Judge Sonia Sotomayor. That was almost three months ago.

I do not know why this distinguished jurist, who was nominated by President Bush to the District Court and by President Clinton to the Court of Appeals, is being denied consideration by the Senate. I have heard from the Hispanic Caucus and a number of bar associations in support of her confirmation and have to tell them that I cannot dispel the impression that they have that she is being delayed because she is Hispanic.

Last Friday, Paul Gigot speculated in a column in the May 29 Wall Street Journal that Judge Sotomayor might be a top candidate for the United States Supreme Court should a vacancy arise there. Although his column mischaracterizes her and her judicial record, it confirms the impression of so many that she is being penalized for being an accomplished Hispanic woman.

I ask unanimous consent that a copy of the April 9, 1998 letter to the Majority Leader from Senators MOYNIHAN, D'AMATO, DODD, LIEBERMAN, JEFFORDS and myself be printed in the RECORD.

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

U.S. SENATE,
Washington, DC, April 9, 1998.

Hon. TRENT LOTT,
Majority Leader, U.S. Senate, Washington, DC.

DEAR SENATOR LOTT: On March 23, faced with five vacancies on a 13-member Court, Chief Judge Winter of the United States Court of Appeals for the Second Circuit certified the judicial emergency caused by these vacancies, began canceling hearings and took the unprecedented step in the Second Circuit of authorizing 3-judge panels to be composed of two visiting judges and only one Second Circuit Judge. The Judiciary Committee has reported to the Senate the nomination of Judge Sotomayor by a vote of 16 to 2. Three additional outstanding Second Circuit nominees are pending before the Judiciary Committee and await their confirmation hearings: Judge Rosemary Pooler; Robert Sack, a partner in the law firm of Gibson Dunn & Crutcher; and Chester J. Straub, a partner in the law firm of Wilkie Farr & Gallagher.

We urge prompt and favorable action on the nomination of Judge Sonia Sotomayor to the Second Circuit when the Senate returns on April 20 and thank you for your consideration of this important matter.

Sincerely,

PATRICK LEAHY,
ALPHONSE D'AMATO,
JAMES JEFFORDS,
DANIEL PATRICK MOYNIHAN,
CHRISTOPHER J. DODD,
JOSEPH LIEBERMAN.

NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN

Mr. ABRAHAM. Mr. President, I rise today as an original cosponsor of the National Center for Missing and Exploited Children Authorization Act of 1998. I applaud the Senator from Utah's fine efforts in support of this important legislation.

The National Center for Missing and Exploited Children (NCMEC) has an extraordinary record of success. The Center boasts a recovery rate that has grown from 62% to 91% over the past 14 years. This particular legislation directs the Office of Juvenile Justice and Delinquency Prevention (OJDDP) at the Department of Justice to issue annual grants to the NCMEC in the amount of $10 million for fiscal years 1999–2003. The $10 million is an authorization and is subject to appropriations procedures.

The bill will allow the Center to bypass the competitive selection process it must go through to obtain grant money from the OJDDP on an annual basis. Moreover, by providing an authorization, the bill will also allow for increased Committee oversight of the Center's activities.

This bill will better enable the Center to pursue national efforts to locate and recover missing children. It will also aid the NCMEC, in conjunction with the U.S. Department of Justice, in raising public awareness about ways to prevent child abduction, molestation, and sexual exploitation.

I urge my colleagues to join me, Senator HATCH, Senator DEWINE, and a number of our colleagues in supporting this worthwhile bill.

PATIENTS' BILL OF RIGHTS

Mr. KENNEDY. Mr. President, we are now in what should be one of our most productive and thoughtful legislative periods this year. Many important items are pending before the Senate, and there is no reason to believe that we cannot successfully address each of them. We must act to protect the nation's children from tobacco, and we must move forward on appropriations and authorization bills. But, there are many other important measures waiting to be brought to the floor. Patients across the country are urging Congress to enact the "Patients' Bill of Rights." I would like to take this opportunity to share with members of the Senate another tragic story that demonstrates the need for action.

This is a story about Mrs. Peggy Earhart of Sun Valley, California. At the age of 63, she was being treated by her HMO for arthritis. Her treatment required her to visit her doctor every six to eight weeks for cortisone injections. During a period of treatment, she noticed a mole on her ankle. She brought this mole to her doctors' attention, but her doctor reassured her that it looked fine and she need not worry about it.

Initially, she trusted her doctor's judgment. As the mole changed shape and color, she brought these changes to

the attention of her doctor, who looked at the mole again and assured Mrs. Earhart that it was fine. On the next visit, Mrs. Earhart once again pointed out changes in size and color, and again, the doctor did nothing.

Worried and exasperated, Mrs. Earhart requested a change of doctor. She filled out the necessary paperwork and waited—and waited, and waited. Six months later, the HMO finally responded, permitting her to see another physician. The first time she saw the new doctor, he examined the mole and immediately referred her to a dermatologist. The dermatologist took a biopsy and found that the "mole" was in fact a malignant melanoma.

Further tests were ordered, which showed that the cancer had metastasized. It was then too late to treat Mrs. Earhart, and she died a year later.

As this tragic story shows, the heart of the issue is providing patients with access to needed health care—a guarantee that patients shall receive the care they paid for with their hard-earned premiums.

In talking about the rights of patients, it is no answer to simply say "Let the Patient Beware." Purchasing health insurance is not like buying a car, and it never will be.

Patients deserve to know that, if they notice something wrong and report it to their doctor, their health needs will be met. Mrs. Earhart should have been treated by the appropriate specialist, without the long delay that ultimately cost her life.

Mrs. Earhart should have had access to an appropriate review procedure that would have allowed her to seek outside help in time. Her family should have been able to hold the health plan accountable for its actions, and for the inexcusable delay that took her life.

The Patients' Bill of Rights provides these protections and more. The Senate should act on this bill as soon as possible. It has the strong support of more than 100 organizations, representing millions of patients, doctors, nurses, working families and consumers. Every day we delay, more tragedies like this take place. They shouldn't have to happen to any family, and they won't happen when this needed legislation is enacted into law.

MESSAGES FROM THE HOUSE

At 9:32 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 99. Concurrent resolution authorizing the flying of the POW/MIA flag.

The message also announced that the House disagrees to the amendment of the Senate to the bill (H.R. 1385) to consolidate, coordinate, and improve employment, training, literacy, and vocational rehabilitation programs in the United States, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints for consideration of the House bill and the Senate amendment, and modifications committed to conference: Mr. GOODLING, Mr. MCKEON, Mr. RIGGS, Mr. GRAHAM, Mr. BOB SCHAFFER of Colorado, Mr. CLAY, Mr. MARTINEZ, and Mr. KILDEE, as managers of the conference on the part of the House.

The message further announced that the House disagrees to the amendment of the Senate to the bill (H.R. 2676) to amend the Internal Revenue Code of 1986 to restructure and reform the Internal Revenue Service, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. ARCHER, Mrs. JOHNSON of Connecticut, Mr. PORTMAN, Mr. RANGEL, and Mr. COYNE, as the managers of the conference on the part of the House.

At 10:18 a.m., a message from the House of Representatives, delivered by Mr. Hays one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 282. Concurrent resolution to correct the enrollment of H.R. 2400.

EXECUTIVE AND OTHER COMMUNICATIONS

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

EC–5179. A communication from the Director of the Office of Government Relations of the Smithsonian Institution, transmitting, pursuant to law, a report relative to the National Society of the Daughters of the American Revolution; to the Committee on Rules and Administration.

EC–5180. A communication from the Chairman of the Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Update of the Federal Energy Regulatory Commission's Fees Schedule for Annual Charges for the Use of Government Lands" (Docket RM86–2–000) received on May 26, 1998; to the Committee on Energy and Natural Resources.

EC–5181. A communication from the Director of the Office of Rulemaking Coordination, Department of Energy, transmitting, pursuant to law, the report of a rule regarding the implementation of DOE acquisition regulations (AL98–05) received on May 26, 1998; to the Committee on Energy and Natural Resources.

EC–5182. A communication from the Director of the Office of Rulemaking Coordination, Department of Energy, transmitting, pursuant to law, the report of a rule regarding safety of nuclear explosive operations (Order 452.2A) received on May 26, 1998; to the Committee on Energy and Natural Resources.

EC–5183. A communication from the Acting Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting, a draft of proposed legislation entitled "The Franklin Delano Roosevelt National Historic Site and Eleanor Roosevelt National Historic Site Act"; to the Committee on Energy and Natural Resources.

EC–5184. A communication from the Director of the Office of Regulations Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Veterans Education: Increase in Rates Payable for Cooperative Training Under the Montgomery GI Bill—Active Duty" (RIN 2900–AJ10) received on May 26, 1998; to the Committee on Veterans' Affairs.

EC–5185. A communication from the Secretary of Veterans Affairs, transmitting, a draft of proposed legislation to provide for qualification for members of the Board of Veterans' Appeals; to the Committee on Veterans' Affairs.

EC–5186. A communication from the Acting Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the report of the Mid-Session Review of the Budget of the United States Government for fiscal year 1999; referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations, and to Committee on the Budget.

EC–5187. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report relative to the second special impoundment message for fiscal year 1998; referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations, Committee on the Budget, Committee on Agriculture, Nutrition, and Forestry, Committee on Commerce, Science, and Transportation, Committee on Environment and Public Works, Committee on Energy and Natural Resources, and the Committee on Indian Affairs.

EC–5188. A communication from the Assistant Secretary of Commerce and Commissioner of Patents and Trademarks, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Revision of Patent Cooperation Treaty Application Procedure" (Docket 980511124–9124–01) received on May 26, 1998; to the Committee on the Judiciary.

EC–5189. A communication from the Assistant Secretary of Commerce and Commissioner of Patents and Trademarks, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Requirements for Patent Application Containing Nucleotide Sequence and/or Amino Acid Disclosures" (RIN0651–AA88) received on May 26, 1998; to the Committee on the Judiciary.

EC–5190. A communication from the Acting Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, the prison impact assessment report for 1996 and 1997; to the Committee on the Judiciary.

EC–5191. A communication from the Acting Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report entitled "Compliance Simplification and Enforcement Reform Under Sections 213 and 223 of the Small Business Regulatory Enforcement Fairness Act of 1996"; to the Committee on the Judiciary.

EC–5192. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration,

Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers" (Docket 90F-0310) received on May 28, 1998; to the Committee on Labor and Human Resources.

EC-5193. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the biennial report of the Director of the National Institutes of Health for fiscal year 1995 and 1996; to the Committee on Labor and Human Resources.

EC-5194. A communication from the Acting Assistant General Counsel, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Preschool Grants for Children With Disabilities" (RIN 1820-AB47) received on May 29, 1998; to the Committee on Labor and Human Resources.

EC-5195. A communication from the Deputy Executive Director and Chief Operating Officer, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "PBGC Recoupment and Reimbursement of Benefit Overpayments and Underpayments" (RIN 1212-AA87) received on May 29, 1998; to the Committee on Labor and Human Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. McCAIN, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

H.R. 1702: A bill to encourage the development of a commercial space industry in the United States, and for other purposes (Rept. No. 105-198).

By Mr. STEVENS, from the Committee on Appropriations:

Special Report entitled "Revised Allocation to Subcommittees of Budget Totals for Fiscal Year 1999" (Rept. No. 105-199).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. CONRAD (for himself and Mr. DORGAN):

S. 2127. A bill to forgive certain debt owed by the city of Dickinson, North Dakota; to the Committee on Energy and Natural Resources.

By Mr. STEVENS:

S. 2128. A bill to clarify the authority of the Director of the Federal Bureau of Investigation regarding the collection of fees to process certain identification records and name checks, and for other purposes; to the Committee on the Judiciary.

By Mr. AKAKA (for himself and Mr. INOUYE):

S. 2129. A bill to eliminate restrictions on the acquisition of certain land contiguous to Hawaii Volcanoes National Park; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. THOMAS (for himself, Mr. GRAMS, and Mr. SMITH of Oregon):

S. Res. 240. A resolution expressing the sense of the Senate with respect to democracy and human rights in the Lao People's Democratic Republic; to the Committee on Foreign Relations.

By Mr. LOTT (for himself, Mr. DASCHLE, Mr. WARNER, and Mr. SESSIONS):

S. Res. 241. A resolution relative to the death of the Honorable Barry Goldwater, formerly a Senator from the State of Arizona; considered and agreed to.

By Mr. LOTT (for Mr. SPECTER):

S. Con. Res. 100. A concurrent resolution regarding American victims of terrorism; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CONRAD (for himself and Mr. DORGAN):

S. 2127. A bill to forgive certain debt owed by the city of Dickinson, North Dakota; to the Committee on Energy and Natural Resources.

PRIVATE RELIEF LEGISLATION

• Mr. CONRAD. Mr. President, today I introduce a bill to permit the Secretary of the Interior to accept a one-time, lump-sum payment from the city of Dickinson, North Dakota, in lieu of the annual payments required under the city's existing repayment contract for construction of the "bascule gates" on the Dickinson Dam on the Heart River. In exchange for reducing the debt the City would pay, this legislation calls on the City to work to improve the water quality on Patterson Lake. This bill would resolve a long-standing issue for the city of Dickinson and the Bureau of Reclamation.

Mr. President, the history of the Bascule Gates is long and complex. The Bureau of Reclamation constructed the Dickinson Dam on the Heart River in 1949 and 1950 to supply water to the city of Dickinson, and for flood control, recreation, and other purposes. The reservoir created by this dam was named Patterson Lake in about 1960.

The need for additional water supply for the City was identified in the early 1970s, and the bascule gates were constructed in the early 1980s, to provide additional water storage capacity in Lake Patterson. At the time, the City expressed reservations over the cost of the bascule gates and the viability of the gates, since the City was not aware of any other location in a northern climate in which the gates had been tested or proven. In 1982, shortly after the gates were operational, a large ice block caused excessive pressure on the hydraulic system, causing it to fail. Construction modifications were made to the gate hydraulic system and a de-icing system was added in 1982, adding further costs to the project.

In 1991, the City began to receive its municipal water supply from the Southwest Pipeline Project, a project constructed in part with funds provided for North Dakota's statewide water project, the Garrison Diversion project, which is another Bureau of Reclamation project. The Southwest Pipeline brings high-quality water from Lake Sakakawea on the Missouri River to the city of Dickinson and other communities in southwest North Dakota. The water is of much higher quality that the water from the City's previous supply from Lake Patterson, and has helped spur economic development in the region. While the citizens of the area now benefit from a higher quality water supply, the City no longer benefits from the additional water supply provided by the bascule gates. The result is the City is paying for two Bureau of Reclamation projects, while it is using water from only one of those projects for its municipal water supply. The City has repaid more than $1 million to the United States for the bascule gates, despite the fact that the gates now provide almost no direct benefit to the City.

The City has previously investigated alternatives to the current situation. The City has discussed the option of assuming title to the dam and bascule gates, as well as attempting to negotiate a new agreement with the Bureau of Reclamation administratively. However, because the terms of the existing contract are outlined statutorily, new legislation is required to make any changes to the current repayment contract.

The legislation I am introducing today would do four primary things. First, it would permit the Interior Secretary to accept a lump-sum payment of $150,000 from the City and terminate the remaining annual payments required under the existing repayment contract. This would end the issue of paying for the construction of these gates for both the City and the Federal government.

Second, my bill would require the Secretary to reallocate the costs of operation and maintenance for the bascule gates and the Dickinson Dam. The bill does not prescribe any particular reallocation formula, but does require the Secretary to consider the fact that the current benefits of the dam and bascule gates are primarily for flood control, recreation, and fish and wildlife purposes. In my view, operation and maintenance costs should be borne by those who benefit from a particular project.

Third, this legislation would permit the Secretary to enter an agreement with the City to give the City responsibility for improving the water quality and recreation value of the lake. The City has expressed its interest in developing the area to promote and enhance recreation and the environment in the area. In recent years, the City has been working with the U.S. Geological Survey and the North Dakota Department of Health and Department of Game and

Fish to improve the lake's water quality.

Finally, my bill would permit the Secretary to enter any appropriate water service contracts in the future if the City uses water from Patterson Lake for its municipal water supply or for other purposes. It is only fair that if the City benefits in the future from the water stored behind the bascule gates that we preserve an option for recovering additional costs from those beneficiaries.

Mr. President, this legislation represents a win-win situation for the residents of the Dickinson area and for the Federal government. I hope this Congress will carefully study this issue and quickly pass this important legislation. I ask unanimous consent that the bill and a letter from the City Administrator of Dickinson be printed in the RECORD.

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

S. 2127

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

Congress finds that—

(1) the Bureau of Reclamation constructed structures known as the bascule gates on top of the Dickinson Dam on the Heart River, North Dakota, to provide additional water supply in the reservoir known as Patterson Lake for the city of Dickinson, North Dakota, and for additional flood control and other benefits;

(2) the gates had to be significantly modified in 1982 because of damage resulting from a large ice block causing excessive pressure on the hydraulic system, causing the system to fail;

(3) since 1991, the City has received its water supply from the Southwest Water Authority, which provides much higher quality water from the Southwest Pipeline Project;

(4) the City now receives almost no benefit from the bascule gates because the City does not require the additional water provided by the bascule gates for its municipal water supply;

(5) the City has repaid more than $1.1 million to the United States for the construction of the bascule gates, and has been working for several years to reach an agreement with the Bureau of Reclamation to alter its repayment contract;

(6) the City has a longstanding commitment to improving the water quality and recreation value of the reservoir and has been working with the United States Geological Survey, the North Dakota Department of Game and Fish, and the North Dakota Department of Health to improve water quality; and

(7) it is in the public interest to relieve the United States from further risk or obligation in connection with the collection of construction costs for the bascule gates by providing for a single payment to the United States in lieu of the scheduled annual payments and for the termination of any further repayment obligation.

SEC. 2. DEFINITION.

In this Act:

(1) BASCULE GATES.—The term "bascule gates" means the structure constructed on the Dam to provide additional water storage capacity in the Lake.

(2) CITY.—The term "City" means the city of Dickinson, North Dakota.

(3) DAM.—The term "Dam" means Dickinson Dam on the Heart River, North Dakota.

(4) LAKE.—The term "Lake" means the reservoir known as "Patterson Lake" in the State of North Dakota.

(5) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Commissioner of the Bureau of Reclamation.

SEC. 3. FORGIVENESS OF DEBT.

(a) IN GENERAL.—The Secretary shall accept a 1-time payment of $150,000 in lieu of the existing repayment obligations of the City under the Bureau of Reclamation Contract No. 9-07-60W0384, dated December 19, 1988.

(b) OWNERSHIP.—Title to the Dam and bascule gates shall remain with the United States.

(c) COSTS.—

(1) IN GENERAL.—In consultation with the City and the State of North Dakota, the Secretary shall reallocate responsibility for the operation and maintenance costs of the Dam and bascule gates.

(2) CONSIDERATION OF BENEFITS.—The reallocation of costs shall reflect the fact that the benefits of the Dam and bascule gates are mainly for flood control, recreation, and fish and wildlife purposes.

(d) WATER QUALITY.—

(1) IN GENERAL.—The Secretary shall enter into an agreement with the City to make activities to improve water quality of the Lake and to enhance the recreational value of the Lake the responsibility of the City .

(2) ASSISTANCE.—The City may seek the assistance of Federal agencies to assist in improving the water quality of the Lake.

(e) WATER SERVICE CONTRACTS.—The Secretary may enter into appropriate water service contracts if the City seeks to use water from the Lake for municipal water supply or other purposes.

CITY OF DICKINSON,
Dickinson, SD, March 3, 1998.

Senator KENT CONRAD,
c/o Kirk Johnson,
Hart Office Building,
Washington, DC.

DEAR KIRK: Thanks for your call this morning. As I said on the phone, the city of Dickinson is grateful for the assistance Senator Conrad is providing to the City as a means of resolving the Bascule Gate issue. Following our conversation, I spoke to our City Attorney, Tim Priebe and asked him to consider any points that he feels might add to our argument necessitating legislation on this matter. I have included his input in developing the points to consider in developing the legislation.

Here are a few ideas we came up with:

The city of Dickinson has never agreed with the placement of the Bascule Gate device on Dickinson Dam.

The Bureau of Reclamation has been unable at this point to provide us with information showing other locations in northern climates, affected by severe winter conditions, in which Bascule Gates have been used.

We feel the Bascule Gates have more of a flood control benefit than the water impoundment benefit that the City sought in the 1970's prior to the installation of the gates.

Since 1991, the city of Dickinson has benefited greatly from a new source of water, the Missouri River, which was made possible through the construction of the Southwest pipeline. For this reason, the City no longer uses Patterson Lake as a water source.

The Southwest Water Authority has informed the City that it has no desire to ever use Patterson Lake as a backup source of water.

The city of Dickinson has a long standing commitment to the maintenance of Patterson Lake as a recreational resource, the improvement of water quality and the extension of the possible life of Patterson Lake. In recent years, the City has actively participated in a study headed by the US Geological Survey and the North Dakota Department of Health to study the Patterson Lake watershed as a means of identifying potential threats to Patterson Lake and water quality due to both sediment and nutrient loading. The final document for this study was produced in December, 1997.

In accordance with Bureau of Reclamation recommendations, the City recently worked on the transfer of Patterson Lake, Dickinson Dam and related properties from the US Government to the city of Dickinson as a means of resolving the Bascule Gate issue. This effort was abandoned over local concerns regarding the potential liability the City might be taking on if the effort were successful. Prior to abandonment of the transfer issue, the City paid for studies, the outcome of which was a direct benefit to the public. These included a cultural resources study and beginning work on a NEPA study. We understand that the Bureau of Reclamation used the information gathered and completed the studies, which will have a long lasting benefit by having cultural resources and potential cultural resources identified.

In recent years the City has been working with the North Dakota Department of Game and Fish to improve water quality in the lake and thereby increase its usefulness as a fishery.

Also while discussing this matter with Tim Priebe, he suggested referring to a document prepared a few years ago in conjunction with Senator Dorgan's office and the North Dakota State Water Commission. It points more toward the recreation and environmental aspects of this effort, rather than simply an asset buydown. I am enclosing a copy of that study.

If I can be of further assistance, please let me know.

Sincerely,

GREG SUND,
City Administrator.●

By Mr. STEVENS:

S. 2128. A bill to clarify the authority of the Director of the Federal Bureau of Investigation regarding the collection of fees to process certain identification records and name checks, and for other purposes; to the Committee on the Judiciary.

NO GUN TAX OF 1998

● Mr. STEVENS. Mr. President, I introduce for proper referral the No Gun Tax Act of 1998 to address the implementation of the National Instant Criminal Background Check System (NICS) which takes effect November 30, 1998.

As you know, the Brady Act had two provisions: an interim provision, which will expire on November 29, 1998, and permanent provision which will take effect on December 1, 1998. The permanent provision mandates the establishment of a National Instant Criminal

Background Checks System (NICS). The operation of the NICS will be the responsibility of the Justice Department.

The Department of Justice now proposes to charge fees for the NICS using the authority of a provision in the 1991 Commerce, Justice, State Appropriations Act (Public Law 101-515)—an Act that was passed two years before the NICS program and which was never intended to allow fees under the NICS program. This limited 1991 authority allowed fees only "to process fingerprint identification records and name checks for non-criminal justice * * * and licensing purposes." It was not intended to apply to programs like the NICS program, which checks the criminal background of purchasers and has nothing to do with licensing.

For years I and others pushed for the instant check system as the most thorough and efficient way to ensure that criminals cannot buy firearms. The imposition of a fee would encourage some to try to obtain firearms on the black market. No matter how you feel about gun control, we should all do what we can to make sure the new background check system works.

I ask unanimous consent that the text of the bill be printed in the RECORD. I urge all of my colleagues to support this very important bill.

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

S. 2128

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This act may be cited as the "No Gun Tax Act of 1998".

SEC. 2. IDENTIFICATION RECORDS AND NAME CHECKS FEES.

The first paragraph under the subheading "SALARIES AND EXPENSES" under the heading "FEDERAL BUREAU OF INVESTIGATION" in title II of Public Law 105-515 (28 U.S.C. 534 note) is amended by adding at the end thereof the following new sentence: "Notwithstanding the foregoing or any other provision of law, the Director may not collect any fee, assessment, third party collection, or other charge from any person or agency in connection with any background check required under subsections (s) or (t) of section 922 of title 18, United States Code.".●

By Mr. AKAKA (for himself and Mr. INOUYE):

S. 2129. A bill to eliminate restrictions on the acquisition of certain land contiguous to Hawaii Volcanoes National Park; to the Committee on Energy and Natural Resources.

HAWAII VOLCANOES NATIONAL PARK ADJUSTMENT ACT OF 1998

● Mr. AKAKA. Mr. President, in behalf of myself and Senator DAN INOUYE, I am introducing legislation today that would enable the National Park Service to acquire a valuable parcel of land at the southern tip of the Island of Hawaii for inclusion in Hawaii Volcanoes National Park (HVNP).

My bill, which is supported by the Administration, would revise HVNP's enabling act to allow the Secretary of the Interior to use appropriated funds to acquire a certain 1,951-acre tract of privately held land on the southern boundaries of the park. HVNP's existing statutory authority precludes the acquisition of additional contiguous properties except by donation.

Mr. President, the small parcel of land that the Park Service wishes to acquire is clearly defined by the "Great Crack," a landform which extends to the summit of the Kilauea Caldera and is characterized by extensive pili grasslands. The area contains historic and prehistoric lava flows with related geological features, major lava tube systems of significant biological and cultural value, and over two miles of coastal environment with associated cultural sites and marine resources.

Located adjacent to HVNP's designated Wilderness Area, one of the most remote areas of the wilderness in Hawaii, the proposed acquisition would be managed as undeveloped land sharing the same wilderness qualities of natural quiet, grand vistas, and solitude.

Mr. President, the acquisition of this parcel will significantly enhance the environmental and cultural values of Hawaii Volcanoes National Park. I hope that my colleagues will support this measure.

Thank you, Mr. President. I ask unanimous consent that the full text of my bill be printed in the RECORD.

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

S. 2129

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Hawaii Volcanoes National Park Adjustment Act of 1998".

SEC. 2. HAWAII VOLCANOES NATIONAL PARK.

The first section of the Act of June 20, 1938 (52 Stat. 781, chapter 530; 16 U.S.C. 391b), is amended by inserting before the period at the end the following: ", except for the land depicted on the map entitled 'NPS-PAC 1997HW', which may be purchased with donated or appropriated funds.".●

ADDITIONAL COSPONSORS

S. 375

At the request of Mr. DODD, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 375, a bill to amend title II of the Social Security Act to restore the link between the maximum amount of earnings by blind individuals permitted without demonstrating ability to engage in substantial gainful activity and the exempt amount permitted in determining excess earnings under the earnings test.

S. 852

At the request of Mr. LOTT, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 852, a bill to establish nationally uniform requirements regarding the titling and registration of salvage, nonrepairable, and rebuilt vehicles.

S. 981

At the request of Mr. LEVIN, the name of the Senator from Georgia (Mr. COVERDELL) was added as a cosponsor of S. 981, a bill to provide for analysis of major rules.

S. 1534

At the request of Mr. TORRICELLI, the name of the Senator from New York (Mr. D'AMATO) was added as a cosponsor of S. 1534, a bill to amend the Higher Education Act of 1965 to delay the commencement of the student loan repayment period for certain students called to active duty in the Armed Forces.

S. 1578

At the request of Mr. MCCAIN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1578, a bill to make available on the Internet, for purposes of access and retrieval by the public, certain information available through the Congressional Research Service web site.

S. 1641

At the request of Mr. MOYNIHAN, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 1641, a bill to direct the Secretary of the Interior to study alternatives for establishing a national historic trail to commemorate and interpret the history of women's rights in the United States.

S. 1647

At the request of Mr. BAUCUS, the names of the Senator from South Carolina (Mr. HOLLINGS), the Senator from Kentucky (Mr. FORD), and the Senator from Arkansas (Mr. BUMPERS) were added as cosponsors of S. 1647, a bill to reauthorize and make reforms to programs authorized by the Public Works and Economic Development Act of 1965.

S. 1705

At the request of Ms. MOSELEY-BRAUN, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 1705, a bill to amend the Internal Revenue Code of 1986 to expand the incentives for the construction and renovation of public schools.

S. 1924

At the request of Mr. MACK, the names of the Senator from North Carolina (Mr. FAIRCLOTH), the Senator from West Virginia (Mr. ROCKEFELLER), and the Senator from Alaska (Mr. MURKOWSKI) were added as cosponsors of S. 1924, a bill to restore the standards used for determining whether technical workers are not employees as in effect before the Tax Reform Act of 1986.

S. 1993

At the request of Ms. COLLINS, the name of the Senator from New Jersey

(Mr. LAUTENBERG) was added as a cosponsor of S. 1993, a bill to amend title XVIII of the Social Security Act to adjust the formula used to determine costs limits for home health agencies under medicare program, and for other purposes.

S. 2054

At the request of Mr. JEFFORDS, the names of the Senator from Nevada (Mr. REID) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 2054, a bill to amend title XVIII of the Social Security Act to require the Secretary of Veterans Affairs and the Secretary of Health and Human Services to carry out a model project to provide the Department of Veterans Affairs with medicare reimbursement for medicare health-care services provided to certain medicare-eligible veterans.

S. 2100

At the request of Mr. SPECTER, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 2100, a bill to amend the Higher Education Act of 1965 to increase public awareness concerning crime on college and university campuses.

SENATE CONCURRENT RESOLUTION 35

At the request of Mr. MOYNIHAN, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of Senate Concurrent Resolution 35, a concurrent resolution urging the United States Postal Service to issue a commemorative postage stamp to celebrate the 150th anniversary of the first Women's Rights Convention held in Seneca Falls, New York.

SENATE CONCURRENT RESOLUTION 83

At the request of Mr. WARNER, the names of the Senator from Minnesota (Mr. GRAMS), the Senator from South Carolina (Mr. THURMOND), the Senator from Idaho (Mr. KEMPTHORNE), the Senator from Alaska (Mr. MURKOWSKI), the Senator from South Dakota (Mr. JOHNSON), the Senator from Montana (Mr. BURNS), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Ohio (Mr. GLENN), and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of Senate Concurrent Resolution 83, a concurrent resolution remembering the life of George Washington and his contributions to the Nation.

SENATE RESOLUTION 207

At the request of Mr. JEFFORDS, the names of the Senator from Idaho (Mr. KEMPTHORNE), the Senator from Oklahoma (Mr. INHOFE), the Senator from Washington (Mrs. MURRAY), the Senator from South Dakota (Mr. JOHNSON), the Senator from Illinois (Mr. DURBIN), the Senator from Arkansas (Mr. HUTCHINSON), the Senator from Utah (Mr. HATCH), the Senator from Arizona (Mr. MCCAIN), the Senator from Georgia (Mr. COVERDELL), the Senator from New York (Mr. D'AMATO), the Senator from Louisiana (Ms. LANDRIEU), the Senator from North Dakota (Mr. DORGAN), the Senator from Louisiana (Mr. BREAUX), the Senator from South Dakota (Mr. DASCHLE), the Senator from New Mexico (Mr. BINGAMAN), the Senator from North Carolina (Mr. HELMS), the Senator from Nebraska (Mr. KERREY), the Senator from Virginia (Mr. WARNER), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Georgia (Mr. CLELAND), the Senator from Indiana (Mr. LUGAR), the Senator from Nebraska (Mr. HAGEL), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from California (Mrs. BOXER), the Senator from Alabama (Mr. SHELBY), the Senator from New Hampshire (Mr. SMITH), the Senator from Minnesota (Mr. GRAMS), the Senator from Minnesota (Mr. WELLSTONE), the Senator from New Hampshire (Mr. GREGG), the Senator from Virginia (Mr. ROBB), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Ohio (Mr. DEWINE), the Senator from New Jersey (Mr. TORRICELLI), the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), and the Senator from Illinois (Ms. MOSELEY-BRAUN) were added as cosponsors of Senate Resolution 207, a resolution commemorating the 20th anniversary of the founding of the Vietnam Veterans of America.

SENATE RESOLUTION 235

At the request of Mr. AKAKA, the name of the Senator from Kentucky (Mr. FORD) was added as a cosponsor of Senate Resolution 235, a resolution commemorating 100 years of relations between the people of the United States and the people of the Philippines.

SENATE CONCURRENT RESOLUTION 100—REGARDING AMERICAN VICTIMS OF TERRORISM

Mr. LOTT (for Mr. SPECTER) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 100

Whereas the traditional policy of the United States, reiterated by this Administration, has been to vigorously pursue and apprehend terrorists who have killed American citizens in other countries;

Whereas numerous American citizens have been killed by Palestinian terrorists, most of them in Israel or the Israeli administered territories, including 9 since the signing of the Oslo Accords in 1993, namely Nachshon Wachsman (New York, Alisa Flatow (New Jersey), Sara Duker (New Jersey), Matthew Eisenfeld (Connecticut), Joan Davenny (Connecticut), David Boim (New York), Yaron Ungar (New York), Leah Stern (New Jersey), and Yael Botwin (California);

Whereas at least 20 of the terrorists suspected in the killings of American citizens in Israel or the Israeli administered territories during 1993-1997 have been identified by Israel as Mohammed Dief, Nabil Sharihi, Nafez Sabih, Imjad Hinawi, Abd al-Maid Dudin, Adel Awadallah, Ibrahim Ghneimat, and Mahmoud Abu Hanudeh, Abd al-Rahman Ghanelmat, Jamal al-Hur, Raid Abu Hamadayah, Mohammad Abu Wardah, Hassan Salamah, Abd Rabu Shaykh'Id, Hamdallah Tzramah, Abd Al-Nasser Atallah Issa, Hataham Ibrahim Ismail, Jihad Mahammad Shaker Yamur, and Mohammad Abbasm;

Whereas, according to the Israeli Government, 10 of those 20 terrorist suspects are currently believed to be free men;

Whereas the Anti-Terrorism Act of 1986 permits the prosecution, in the United States, of individuals who murder American citizens abroad; and

Whereas the United States has previously acted to bring to justice those responsible for the deaths of American citizens and has established a precedent of United States intervention by demanding that Libyan leader Moammar Qadaffi transfer to the United States the Libyan terrorists suspected of bombing Pan Am flight 103: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that—

(1) the United States should demand the prosecution of all suspected perpetrators of these attacks against the United States citizens;

(2) the United States should seek the cooperation of the Palestinian Authority and all other appropriate authorities in the prosecution of these cases; and

(3) the suspects should be tried in the United States unless it is determined that such action is contrary to effective prosecution.

• Mr. SPECTER. Mr. President, this measure expresses the sense of the Congress regarding the murder of U.S. citizens by Palestinian terrorists. This resolution addresses specific concerns that I have regarding the failure of the Palestinian Authority to apprehend and bring to justice perpetrators of terrorist acts involving American citizens who have been killed in recent months and years in terrorist attacks in Israel. A companion resolution, introduced by Congressman JON FOX, passed the House by a vote of 406-0 on May 5, 1998.

Since the signing of the Oslo Accords in 1993, at least nine American citizens in Israel have been killed by Palestinian terrorists. They are our parents, our children, and our citizens. The traditional policy of our nation has been to pursue and apprehend any terrorists who have killed American citizens abroad. This in no way contravenes or conflicts with either international or constitutional law. While criminal jurisdiction is customarily limited to the place where the crime occurred, it is well established constitutional doctrine that Congress has the power to apply U.S. law extra territorially if it so chooses. *United States* versus *Bowman*, 260 U.S. 94, 98 (1922). It was on the basis of this doctrine that I spearheaded efforts to enact the Anti-Terrorism Act of 1986, which extended the reach of U.S. criminal jurisdiction to acts of violence perpetrated against Americans anywhere in the world. But, making murder committed by terrorists a U.S. crime will not, on its own,

protect Americans abroad. We must also demonstrate our seriousness by applying the law regularly and consistently.

At the heart of the Anti-Terrorism Act was the fundamental notion that international terrorists are criminals and ought to be treated as such—they should be promptly located, apprehended, and brought to trial for their heinous crimes. The United States government in conjunction with the government of Israel knows the location of 10 of the 20 terrorists suspected in the murders of these United States citizens. I am aware that from March 6–10, an interagency task force comprised of individuals from the Department of State, Justice Department, FBI and National Security Commission was in Israel in the Palestinian controlled areas to investigate the deaths of these Americans. Cooperation from the Palestinian Authority is critical as investigative authorities attempt to discover and develop evidence for prosecution. However, the Palestinian Authority has failed to cooperate and has not honored requests for the transfer of many of these suspects.

The Anti-Terrorism Act of 1986 provides the necessary subject matter jurisdiction to prosecute those who attack U.S. citizens abroad. But, to obtain personal jurisdiction over the culprits themselves, the suspect must first be seized or arrested and brought to the United States to stand trial. Under current constitutional doctrine, both U.S. citizens and foreign nationals can be seized and brought to stand trial in the United States without violating due process of law. *Frisbie* versus *Collins*, 342 U.S. 519, 522 (1952).

My resolution calls for the United States to demand the prosecution of all suspected perpetrators of these attacks against United States citizens by seeking the cooperation of the Palestinian Authority and all other appropriate authorities in the prosecution of these cases. In addition, my resolution calls for these suspects to be tried in the United States unless it is determined that such action is contrary to effective prosecution.

We must utilize all our laws properly and remain persistent in seeking justice for these American families. We must remain vigilant in our search for all suspected perpetrators of these atrocious attacks against U.S. citizens. I urge my colleagues to support this measure and to help push for justice in this important matter.●

SENATE RESOLUTION 240—EXPRESSING THE SENSE OF THE SENATE WITH RESPECT TO DEMOCRACY AND HUMAN RIGHTS IN THE LAO PEOPLE'S DEMOCRATIC REPUBLIC

Mr. THOMAS (for himself, Mr. GRAMS, and Mr. SMITH of Oregon) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 240

Whereas in 1975, the Pathet Lao party supplanted the existing Lao government and the Lao Royal Family, and established a "people's democratic republic," in violation of the 1962 Declaration on the Neutrality of Laos and it's Protocol, as well as the 1973 Vientiane Agreement on Laos;

Whereas since the 1975 overthrow of the existing Lao government, Laos has been under the sole control of the Lao People's Democratic Party;

Whereas the present Lao Constitution provides for human rights protection for the Lao people, the Laos is a signatory to international agreements on civil and political rights; and

Whereas Laos has become a member of the Association of Southeast Asian Nations, which calls for the creation of open societies in each of its member states by the year 2020;

Whereas despite that, the State Department's "Country Reports on Human Rights Practices for 1997" notes that the government has only slowly eased restrictions on basic freedoms and begun codification of implementing legislation for rights stipulated in the Lao Constitution, and continues to significantly restrict the freedoms of speech, assembly and religion; and

Whereas on January 30, 1998, the Lao government arrested and detained forty-four individuals at a Bible study meeting in Vientiane and on March 25 sentenced thirteen Christians from the group to prison terms of three to five years for "creating division among the people, undermining the government, and accepting foreign funds to promote religion;" Now therefore, be it

Resolved by the Senate, That it is the sense of the Senate that the present government of Laos should—

(1) respect international norms of human rights and democratic freedoms for the Lao people, and fully honor its commitments to those norms and freedoms as embodied in its constitution and international agreements, and in the 1962 Declaration on the Neutrality of Laos and it's Protocol and the 1973 Vientiane Agreement on Laos;

(2) issue a public statement specifically reaffirming its commitment to protecting religious freedom;

(3) fully institute a process of democracy, human rights and openly-contested free and fair elections in Laos, and ensure specifically the National Assembly elections—currently scheduled for 2002—are openly contested.

Mr. THOMAS. Mr. President, today as the Chairman of the Subcommittee on East Asian and Pacific Affairs I submit S. Res. 240, a resolution expressing the sense of the Senate with respect to democracy and human rights in Laos.

In 1975, the Pathet Lao party supplanted the legitimate Lao government and the Lao Royal Family, and established a "people's democratic republic," in violation of the 1962 Declaration on the Neutrality of Laos and its Protocol, as well as the 1973 Vientiane Agreement on Laos. Since that time, Laos has been under the sole control of the communist Lao People's Democratic Party.

Although the present Lao Constitution provides for human rights protection for the Lao people, is a signatory to international agreements on civil and political rights, and has become a member of the Association of Southeast Asian Nations—which calls for the creation of open societies in each of its member states by the year 2020—the State Department's "Country Reports on Human Rights Practices for 1997" notes that the government has only slowly eased restrictions on basic freedoms and begun codification of implementing legislation for rights stipulated in the Lao Constitution, and continues to significantly restrict the freedoms of the press, speech, and assembly.

Mr. President, would-be opposition political leaders in Laos continue to be jailed in horrible conditions solely because they espouse democratic ideals. While Laos recently conducted the country's most open elections since 1975, that is not to say that the elections came close to meeting even the minimal norms for what we would consider free and fair; Laos is still a one-party state and all of the candidates for election were vetted by the party. And the Hmong and Yao ethnic minorities continue to face discrimination and, in some cases, persecution.

In addition, on January 30 of this year, a group of 44 people, including five foreigners, were arrested at a Bible study meeting in Vientiane. Charged with creating divisions among the people, undermining the government and accepting foreign funds to promote religion, a Laotian court sentenced 13 Christians from the group to prison on March 25. Eight were sentenced to three-year prison terms, including five Lao affiliated with Partners in Progress (PIP), a U.S.-based evangelical humanitarian aid organization. Lao authorities had prevented the prisoners from meeting with their families until the sentencing.

Last month the Lao Foreign Ministry accused the group of making negative comments about the government and interfering in the internal affairs of the country by insulting the reputation of Lao leaders. A foreign ministry spokesman added that the three Americans, all PIP workers, had taken advantage of their non-governmental organization status to "promote the worship of Christ" to Lao nationals.

Mr. President, Laos doesn't receive a lot of attention from the outside. It is a land-locked, impoverished country of just slightly over five million people, where only three percent of the land is arable. Subsistence farming accounts for more than half of the GDP, and provides more than eighty percent of total employment. It has few roads, no railroads, and electricity in only a few scattered urban areas. Needless to say, it is of little strategic or economic interest to the rest of the world.

But Mr. President, that does not mean that we can or should turn a blind eye to the human rights situation

in that country. We need to urge Laos to respect international norms of human rights and democratic freedoms for the Lao people, and fully honor its commitments to those norms and freedoms as embodied in its constitution and international agreements. The resolution calls on the Lao government to issue a public statement specifically reaffirming its commitment to protecting religious freedom, and to fully institute a process of democracy, human rights and openly-contested free and fair elections in Laos, and ensure specifically that the National Assembly elections—currently scheduled for 2002—are openly contested. I hope they get the message.

Mr. President, before I close I would like to thank my good friend from Minnesota, Mr. GRAMS, for cosponsoring—indeed, for inspiring—this resolution. Senator GRAMS has significant Lao and Hmong populations in his state, and has been active in getting their message heard in Congress; I've attended several meetings, including one with members of the Lao royal family, which he sponsored. I would also like to thank my friend the Senator from Oregon, Mr. SMITH, for his cosponsorship; there is a large Hmong population in Portland, and I know Senator SMITH has followed events in Laos closely.

Mr. GRAMS. Mr. President, I am pleased to join Senator THOMAS as cosponsor of S. Res. 240, a resolution which hopefully will focus more Congressional attention on the situation in Laos. With 50,000 Hmong and 7,000 other ethnic Lao living in Minnesota, I am well aware that the atrocities being committed in that country and the lack of progress toward a democratic government are far more serious than press reports would lead us to believe. It is rare indeed that any of us, even those of us who serve on the Senate Foreign Relations Committee, ever hear anything about Laos. Yet many Lao and Hmong fought with us in the Vietnam War. In fact, they are still being "punished" for their loyalty to the United States through continued violence against them by the Lao government. But, the State Department recently responded to an inquiry I made by saying they do not see evidence of abuses.

We owe the Hmong and other Lao a great debt of gratitude for their service during the Vietnam War. We owe them our renewed efforts to end the violence in Laos and to enforce the agreements signed by Communists in Laos in 1962 and 1973 which committed them to a coalition government including the Lao Royal Family. As you may know, this government was overthrown in 1975, and now the country is under sole control of the Lao People's Democratic Party.

Since there has been so little focus on Laos, Mr. President, there has been little progress there. While the Lao government approved a Constitution in 1990 claiming human rights protection, and while Laos has signed international agreements on civil and political rights and is a member of ASEAN, the record shows these promises are being ignored.

Several months ago, the United Lao Movement for Democracy of Minnesota hosted a staff briefing. The briefing included a videotape which showed death, violence, and evidence that "yellow rain" has been used against Lao citizens recently—despite comments by the State Department these atrocities do not exist. We were told during the briefing that the "killing fields" are still going on in the countryside, mostly against the Hmong. The leaders of the Minnesota group, Shoua Cha, Xiong Pao Moua, and Cha Vang have been instrumental in calling these atrocities to our attention and maintaining valuable contact with the people of Laos. There were many cries on the tape that war hero General Vang Pao should return to Laos to help stop the violence.

Mr. President, the Thomas-Grams resolution expresses Senate opposition to human rights abuses in Laos, including religious persecution. It calls for free and fair elections and a process toward democracy.

I would like to call attention to one American, Steve Young, an expert and activist in Indochinese matters for over 30 years. Steve has helped us focus on problems in Laos, Cambodia, and Vietnam, and I have always valued his counsel. If Steve, and my many Hmong and Lao constituents, say there is a serious problem here, I believe them. Mr. President, I ask unanimous consent that an article by Steve Young printed in the May 14, 1998 edition of the Minneapolis Star Tribune be printed in the RECORD.

Mr. President, to those seeking changes in Laos, this resolution provides hope. I ask that my colleagues give it their support, as an expression by the Senate of our renewed interest in improving the situation in Laos. Please join me in co-sponsoring this resolution and facilitating its passage in the near future.

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

IN PUTTING LAOS OUT OF SIGHT, AMERICA HAS ABANDONED ITS HONOR

(By Steve Young)

Laos: on the losing side of history, one of only four remaining Communist states, a genuine backwater in international affairs, a little country with no geopolitical importance, no raw materials, no seaport, no beautiful beaches, no ski resorts.

Why should I, or anyone else, care a whit about Laos?

The Lao people have no Dalai Lama to win friends and influence Hollywood; their ancient royal family is also in exile but commands no attention. Their holy relic, the Prabang Buddha statue, is rumored to be in Moscow, hidden away as a now-forgotten and irrelevant trophy of the Cold War.

Fifty thousand Hmong people from Laos now live in Minnesota, along with some 7,000 ethnic Lao. But is that any reason to care about the tiny, faraway homeland of a people who don't speak English?

Life in Laos is hard, especially for the Hmong, for the ethnic Khamu people and for the poor. The country's Communist leadership is awful. There are arbitrary arrests, no economic development, lousy schools, no free speech. Corruption is rampant.

The self-centered whims of Communist Party cadres are the law.

Opium is still a cash crop in Laos, feeding the world's supply of heroin. Communist officials, it is said, protect and profit from the vile traffic.

With help from the United States, many Lao and Hmong fought the Communists until 1973. Then, the United States walked away to "give peace a chance," as John Lennon demanded.

Today, years later, fighting still goes on. The Hmong in the hills are still loyal to the cause of the United States in the Cold War. They don't understand why the Americans went into a sulk and gave up fighting an evil political movement.

In December and January, and again in March, Communist Lao forces numbering several battalions attacked Hmong hamlets on the slopes of the Phu Bia mountain massif. Communist forces were repulsed. Their wounded filled the military hospital in the capital city of Vientiane.

In the far south of Laos, the Khamu people have turned against their former patrons—Lao and Vietnamese Communists. Young Khamu men have taken to the jungles to fight and put on their left arms the white elephant patch of the Lao royal family.

American officials in Vientiane make the best of a tour of duty in a place that counts for nothing except oppression. They argue for a form of appeasement, calling it "constructive engagement."

Poor little Laos: Back then, its needs were hidden behind the secrecy of an unpublicized war. The grim fighting, the terror for innocent villagers, the heroism of the Hmong, the illegalities of the Vietnamese Communists in invading a neutral country were out of sight and out of mind for the experts and gurus whose duty it is to tell our collective national psyche when, and how, and for whom to emote compassion.

Today, Laos is equally forgotten and still the victim of that past war. The bad guys won.

In putting Laos out of sight, America has abandoned its honor.

Promises were made to the peoples of Laos by the American government, among others. International agreements were signed in 1962 by all the great powers, pledging peace, neutrality, multiparty government. In 1973 the promises were renewed; yet again treaties were signed. International law protected the peoples of Laos, so it was said. Henry Kissinger got a Nobel Peace Prize for his efforts.

In 1975 the Communists broke their agreements, killed the king, queen, crown prince and many others—all to impose the justice of a really stupid ideology and, let us not forget, to gain a little *joie de vivre* for themselves.

A solution to the continuing troubles in Laos is at hand. The Communists need only return to the agreements they signed in 1962 and 1973, restoring coalition government, the monarchy and human freedoms. Such a Laos would be a buffer between Thailand and Vietnam, adding to the peaceful stability of

Southeast Asia. Such a Laos would also protect Vietnam from penetration by China through the mountains around Dien Bien Phu.

To forget the promises made is willfully to choose dishonor.

We can mediate successfully in Northern Ireland, we send troops to watch over ethnic brutality in Bosnia, we mobilize to crack down on Saddam Hussein's inhumanities. Why can't we care as well about Laos?

SENATE RESOLUTION 241—RELATIVE TO THE DEATH OF THE HONORABLE BARRY GOLDWATER, FORMERLY A SENATOR FROM THE STATE OF ARIZONA

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

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Barry Goldwater, formerly a Senator from the State of Arizona.

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate recesses today, it stand recessed as a further mark of respect to the memory of the deceased Senator.

AMENDMENTS SUBMITTED

NATIONAL TOBACCO POLICY AND YOUTH SMOKING REDUCTION ACT

McCAIN (AND OTHERS) AMENDMENT NO. 2446

Mr. McCAIN (for himself, Mr. KERRY, Mr. BOND, Mr. CAMPBELL, Mr. ROCKEFELLER, Mr. SPECTER, Mr. BINGAMAN, Mr. CONRAD, Mr. DASCHLE, Mr. WELLSTONE, Mr. LEAHY, Mr. COVERDELL, Ms. COLLINS, Mrs. MURRAY, Mr. BIDEN, Ms. MIKULSKI, Mr. HUTCHINSON, and Mr. SESSIONS) proposed an amendment to the bill (S. 1415) to reform and restructure the processes by which tobacco products are manufactured, marketed, and distributed, to prevent the use of tobacco products by minors, to redress the adverse health effects of tobacco use, and for other purposes; as follows:

On page 403, beginning with line 3, strike through line 19 on page 407, and insert the following:

SEC. 1301. VETERANS' ADMINISTRATION TOBACCO-RELATED HEALTHCARE AND COMPENSATION PROGRAMS.

(a) IN GENERAL.—The Secretary of the Veterans' Administration shall use amounts under subsection (b) to carry out tobacco-related healthcare activities under chapter 17 of title 38, United States Code, and to provide other appropriate assistance for tobacco-related veterans' health care illnesses and disability under such title.

(b) FUNDINGS.—From amounts in the trust fund established under section 40b not less than $600,000,000 per year are to be used to carry out Veterans' Administration tobacco-related healthcare activities under subsection (a) to the extent and only in the amounts provided in advance in appropriations Acts, to remain available until expended.

(c) PUBLIC HEALTH SERVICE ACT AMENDMENTS.—Section 1981C of the Public Health Service Act (as added by section 261 of this Act) is amended—

(1) by inserting "veterans," after "uninsured individuals," in subsection (a)(1)(D); and

(2) by inserting "veterans," in subsection (b)(1)(h) after "low-income,".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Tuesday, June 2, 1998, at 10 a.m. in open session, to consider the nominations of Dr. Hans Mark, to be Director of Defense Research and Engineering; Mahlon Apgar, IV, to be Assistant Secretary of the Army for Installations, Logistics and Environment; and Joseph W. Westphal, to be Assistant Secretary of the Army for Civil Works.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. CRAIG. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, June 2, 1998, at 10 a.m. on the nominations of Clyde Hart to be Administrator of the Maritime Administration, Neal Lane to be Director and Rosina Bierbaum to be Associate Director of the Office of Science and Technology Policy (OSTP).

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

COMMITTEE ON SMALL BUSINESS

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Small Business be authorized to meet during the session of the Senate for a hearing entitled "e-commerce & Y2K: What's Ahead for Small Business." The hearing will begin at 10 a.m. on Tuesday, June 2, 1998, in room 428A Russell Senate Office Building.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. CRAIG. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, June 2, 1998, at 10 a.m. to hold a closed business meeting.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. CRAIG. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, June 2, 1998, at 2:30 p.m. to hold a closed business meeting.

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

SPECIAL COMMITTEE ON AGING

Mr. CRAIG. Mr. President, I ask unanimous consent that the Special Committee on Aging be permitted to meet on June 2, 1998, at 11 to 2 p.m. in Hart 216 for the purpose of conducting a hearing.

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

SUBCOMMITTEE ON HOUSING OPPORTUNITY AND COMMUNITY DEVELOPMENT

Mr. CRAIG. Mr. President, I ask unanimous consent that the Subcommittee on Housing Opportunity and Community Development of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the sessions of the Senate on Tuesday, June 2 and Wednesday, June 3, 1998, to conduct an oversight hearing on the programs and operations of the Federal Housing Administration (FHA).

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

SUBCOMMITTEE ON INTERNATIONAL SECURITY, PROLIFERATION, AND FEDERAL SERVICES

Mr. CRAIG. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Subcommittee on International Security, Proliferation, and Federal Services to meet on Tuesday, June 2, 1998, at 2 p.m. for a hearing on the "International Postal Services Act of 1998."

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

ADDITIONAL STATEMENTS

STATEWIDE PLANNING PROVISIONS CONTAINED IN THE TRANSPORTATION EQUITY ACT

• Mr. D'AMATO. Mr. President, I ask that a letter to the majority and minority leaders on statewide planning provisions contained in the Transportation Equity Act for the 21st Century be printed in the RECORD. The letter describes an integral component of the legislative package pertaining to statewide planning provisions that was agreed to by the chairmen and ranking members of the Committee on Environment and Public Works and the Committee on Banking, Housing, and Urban Affairs.

The letter follows:

U.S. SENATE,
Washington, DC, June 2, 1998.

HON. TRENT LOTT,
Russell Senate Office Building, Washington, DC.

HON. THOMAS A. DASCHLE,
Hart Senate Office Building, Washington, DC.

DEAR SENATOR LOTT AND SENATOR DASCHLE: The Committee on Environment

and Public Works and the Committee on Banking, Housing and Urban Affairs share jurisdiction over Section 135 of Title 23, United States Code. This title provides for the development of transportation plans and programs, including highways and mass transportation, that serve all areas of a State efficiently and effectively. We are writing to request unanimous consent for sequential referral of any legislation that amends, modifies or deletes any statewide planning provision contained within this title.

Although jurisdiction is shared, our respective committees have reached agreement that these joint planning provisions appear only in Title 23. Therefore, it is requested that you propound an unanimous consent agreement that:

(1) If and when the Committee on Environment and Public Works reports legislation that amends, modifies, deletes, or in any way affects transit provisions contained within section 135 of title 23, United States Code, it be referred to the Committee on Banking, Housing, and Urban Affairs for a period not to exceed 20 session days of the Senate; and that if not reported by the Committee on Banking, Housing, and Urban Affairs by that time it be discharged and placed on the Senate Calendar.

(2) If and when the Committee on Banking, Housing, and Urban Affairs reports legislation that amends, modifies, deletes, or in any way affects highway transportation provisions contained within section 135 of title 23, United States Code, it be referred to the Committee on Environment and Public Works for a period not to exceed 20 session days of the Senate; and that if not reported by the Committee on Environment and Public Works by that time, it be discharged and placed on the Senate Calendar.

Should you have any questions or need additional information, please let us know.

ALFONSE M. D'AMATO,
Chairman, Committee on Banking, Housing, and Urban Affairs.

PAUL S. SARBANES,
Ranking Member, Committee on Banking, Housing, and Urban Affairs.

JOHN H. CHAFEE,
Chairman, Committee on Environment and Public Works.

MAX S. BAUCUS,
Ranking Member, Committee on Environment and Public Works.•

TRIBUTE TO MARY MOONEY-KEITH

• Mr. JOHNSON. Mr. President, I rise today to pay tribute to a very special South Dakotan—Mary Mooney-Keith.

On July 1, 1998, Mary Mooney-Keith, of Rapid City, South Dakota will retire after many years of diligent service for the school children of South Dakota. Mary is retiring to a lifestyle where hopefully someone can serve her just like all the years she served children through her wonderful food service career.

Mary's outstanding food service career allowed her to demonstrate her knowledge, leadership, and passion for nutrition at all levels. From her work at the small school district of Faith, South Dakota to her service at Meade, South Dakota (one of the largest geographical districts in the nation), to her role at the South Dakota Child and Adult Nutrition Services, Mary always strived to make it her goal to make the school nutrition program the best possible.

Mary's nutrition expertise did not stop in the classroom. She also was very active in the School Food Service Association at the local, state, and national levels. She held elected offices at all levels within the Association—including Midwest Regional Director.

Mary's passion for child nutrition came through in her teaching style. She wasn't the teacher who went in and just talked to her students. Instead, she went to a clown school in Wisconsin during the summers and developed "Mario the Clown" to assist with her instruction.

Mary is the type of person whose career may not have made her famous or wealthy. But, for 32 years, Mary Mooney-Keith taught our most precious citizens, our school children, one of the most important lessons in life—good nutrition. And, the greatest thing about it all, she lived her life with one basic principle that sometimes we all forget, to simply be yourself."

I am proud of Mary Mooney-Keith and offer her my best wishes in her upcoming retirement.•

TOM WHITTAKER REACHES EVEREST SUMMIT

• Mr. CRAIG. Mr. President, I would like to take a moment to congratulate a former Idahoan on his successful climb of the world's tallest peak.

Mr. President, last month I reported to the Senate a story of my constituents who were climbing Mount Everest. While the climb is not a new adventure to the world, the climbers are. A group of disabled Idahoans, led by former Idahoan Tom Whittaker, successfully reached the base camp of the Everest peak on May 19. On May 27 Tom continued on to the summit with another group, becoming the world's first amputee to reach the top.

Tom had fallen ill the week prior to his final ascent; however, he would not be deprived of his ultimate goal. He had tried unsuccessfully to make the climb twice in the past, but was forced back by bad weather. This time, at the Everest website, climbers from around the world are congratulating Tom on his achievement, writing, "May his success inspire you to follow your dreams and know that your abilities are far more important than your disabilities, whatever they may be."

I would like to share that sentiment with America today. Tom did not get to his goal without hard work and sacrifice. He did not succeed on the first try. But he would not be denied his dream, and in my mind, Tom Whittaker has set an example to be emulated by all.•

OHIOAN NAMED SMALL BUSINESS PERSON OF THE YEAR

• Mr. GLENN. Mr. President, I rise today to recognize the outstanding entrepreneurial achievement of a resident from my home state of Ohio, Mr. Ross O. Youngs. The President of Univenture Incorporated, Ross was recently named as Small Business Person of the Year. The decision was made by Vice President AL GORE and Aida Alvarez, Administrator of the Small Business Administration. Mr. Youngs was selected from a highly competitive field of 53 small businesses representing all 50 states, the District of Columbia, Puerto Rico and Guam.

Ross Youngs began Univenture 10 years ago with an idea, hard work, perseverance and a limited budget. In the long standing tradition of the American Entrepreneur, Ross took a $20,000 personal bank loan and started a company in his basement. Over the following nine years, two Small Business Administration guaranteed loans helped Mr. Youngs expand production. Sales have risen in 10 years from $111,000 to $15 million. Ross Youngs' company Univenture has proven itself to be an outstanding example of American small business.

Univenture is not only a successful company but also a contributor to the community in a number of ways. The firm works with a local organization to employ people with disabilities, Univenture supports the Columbus Police Department's Shop-With-A-Cop Program to provide gifts for needy children during the holiday season and contributes to the Wexner Center for the Arts.

Mr. Youngs continues to be an example of outstanding achievement in business and his community. It is with great pride that I recognize Mr. Ross Youngs as the National Small Business Person of the Year during National Small Business Week. I extend my congratulations and wish him continued success.•

CRIME IDENTIFICATION TECHNOLOGY ACT

• Mr. ABRAHAM. Mr. President, I am pleased to rise today as an original cosponsor of the "Crime Identification Technology Act" recently introduced by my colleague from Ohio, Senator DEWINE. I applaud the Senator from Ohio's fine efforts in getting this important bill introduced and shepherding it through the Senate Judiciary Committee so quickly.

In my view S. 2022 will provide significant assistance to federal, state,

and local law enforcement groups as they work to integrate their identification, information, communications, and forensic systems. Currently, federal, state, and local crime databases are not universally maintained in a format that makes them compatible with one another. Right now law enforcement officials often have trouble accessing information and transferring it among themselves.

Important technologies such as the Integrated Automated Fingerprint Identification System (IAFIS) which is operated by the Federal Bureau of Investigation (FBI), the National Integrated Ballistics Network, and the National Incident-Based Reporting System all would be much more effective if all states and localities had compatible systems. The federal government has provided agencies with the funds necessary to create this technology. Unfortunately, a number of states, and local communities in particular, often have not had sufficient funds to implement them. Moreover, particular states and localities often lack sufficient incentive to standardize because standardization's benefits become clear only if all states and localities participate. Thus it is important that the federal government provide assistance in order to maintain a uniform national system.

The "Crime Identification Technology Act" will better enable federal, state, and local governments to work in tandem in the fight against crime. In a nutshell, this bill authorizes $250 million in grant money over five years to states in conjunction with local governments and Indian tribes, to establish or improve information and identification technologies and make them more compatible with one another and with federal systems. Grants will be distributed by the Bureau of Justice Statistics, which will consult with the Governor of each state to determine how much money is needed and for which programs. For example, some states may feel they need better fingerprint-scanned devices while others may want to integrate their ballistics programs into the National Integrated Ballistics Network.

Federal and state governments share an interest in the interstate compatibility of these technology systems and in quickly identifying whether an individual has a federal, state, or local record. Ensuring the accuracy and accessibility of criminal history records must be a joint endeavor among law enforcement agencies at all levels. This legislation will be of critical assistance in bringing this about.

I urge my colleagues to join me, my colleague from Ohio, the Chairman and Ranking Member of the Judiciary Committee, and a number of other colleagues in supporting this important piece of legislation.•

TRIBUTE TO ADMIRAL CHARLES R. LARSON, UNITED STATES NAVY

• Ms. MIKULSKI. Mr. President, today I rise to honor a remarkable naval officer and good friend, Admiral Charles R. Larson. Having served a distinguished career in the United States Navy, Admiral Larson will enjoy a well deserved retirement after forty years of service. Over his forty years of service, Admiral Larson has served in 11 positions, spanning more than nineteen years as a flag officer. Admiral Larson is a man of honor, integrity, and patriotism.

For the past four years, Admiral Larson has served as the 55th Superintendent of the United States Naval Academy. It was in this position that I got to know and admire him. Under Admiral Larson's leadership, honor and discipline were restored following the most scandal-ridden period of the Academy's history. As a member of the Naval Academy Board of Visitors, I worked closely with Admiral Larson as he developed and implemented his successful reform agenda. I was highly impressed with the tough choices he had to make to change the Academy. Under his leadership, he led the full integration of women into the academy. He also initiated many new programs and improved the curriculum. Always he led the midshipmen by example.

We in Maryland are very proud of the United States Naval Academy. It is important to our state and our nation. The Board of Visitors recently conducted a comprehensive investigation of the Naval Academy. We concluded that while we must continue to improve the Naval Academy, this vital national resource is on the right track and will produce top-notch cadets for the twenty-first Century. Admiral Larson's leadership is what made this possible.

I would also like to take this opportunity to commend Admiral Larson's wife, Sally, and his family, who have greatly contributed to the success of his naval career. I ask my colleagues to join me in thanking Admiral Larson for his service to our nation. I wish Admiral Larson the very best for the future.•

HARBOR MAINTENANCE TAX

• Mr. BREAUX. Mr. President, since colonial times, waterborne commerce has been key to the economic growth and vitality of our Nation. It has been especially important for my home state of Louisiana. The entire U.S. economy, and that of Louisiana, depends on an efficient and reliable transportation system to remain competitive in domestic and international markets. Navigable channels, railways, highways, and ports are links in the transportation chain that allow manufacturers, buyers, and sellers to send and receive goods quickly, safely, and efficiently. Congress has recognized the importance and need for promoting a system of seamless intermodal connections, from ship to shore, and then to rail or truck, and ultimately to the consumer's local retail store. The original ISTEA legislation, was named for intermodalism, in recognition of the importance of fostering and promoting intermodalism, and I am confident that ISTEA II will continue our efforts to expand and modernize the infrastructure needed to facilitate intermodalism.

Continued adequate investment in our Nation's transportation infrastructure, including federal navigation channels, is critical. In fact, in Louisiana we have literally hundreds of miles of navigable waterways crisscrossing our state. The resulting benefits of this waterway system are efficient access to a wide variety of products and services, internationally competitive exports, and lower costs for consumers. Maintaining deep draft navigation channels is one of the most important, and least understood, factors in maintaining an efficient national transportation system. The need for both maintenance and deepening of navigational channels will drastically increase as vessel operators continue to switch to newer and larger vessels.

The most modern and largest container ships available today are capable of carrying over 6,000 TEUs. By way of comparison, this cargo load would translate into a train length of over 27 miles. However, these vessels require navigable channels in excess of 45 feet of depth in order to get into port in a fully laden mode. We can have the greatest system of intermodal infrastructure available, but if the gigantic vessels that will be plying the seven seas cannot enter our ports, our importers and exporters will not benefit, and we will lose the competitive advantages of having cheap and safe transportation.

U.S. port development and maintenance is currently a shared responsibility of federal, state, and local governments, with extensive private sector participation. Under this relationship, rooted in the U.S. Constitution, the Federal government has maintained harbor access channels and contributed a share towards channel improvements, while individual ports construct and maintain the land-side terminal facilities, including developing rail and highway access, dredging their own shipping berths, and contributing to channel improvement cost-sharing programs.

Since 1789, the Federal Government has authorized navigation channel improvement projects, and the General Survey Act of 1824 established the U.S. Army Corps of Engineers as the agency responsible for the Nation's navigation system. Relying in good faith on this long-standing partnership, local port authorities spend approximately $1.3

billion annually to construct and maintain the land-side facilities. These local investments have been paid for through state taxes and bonds and have resulted in a port system that can be relied on to meet our country's national defense needs and accommodate our ever growing international trade.

Traditionally, the Federal Government funded maintenance dredging of federal navigation channels from General Treasury revenues. However in 1986, Congress enacted the Harbor Maintenance Trust Fund to pay for a portion of channel maintenance dredging. Revenue for this trust fund is generated by assessing a fee, the "Harbor Maintenance Tax" or HMT, on the value of export, import, and domestic cargo moving through the nation's deep draft ports. At the same time, local cost-sharing was instituted for funding new construction projects. These projects allow a Port to either widen or deepen navigable channels. By way of contrast, on the inland waterways, operations and maintenance costs are paid out of the General Treasury, and new construction costs are funded, in part, by an inland waterways fuel tax.

THE FUNDING FOR MAINTENANCE DREDGING IS IN JEOPARDY

Recently, the Supreme Court has ruled that the Ad Valorem nature of the HMT and the surplus of revenues in the HMT makes it a tax rather than a user fee, and that the collection of the HMT violates Article I, section 9, clause 5 of the U.S. Constitution which restricts Congress from enacting taxes or duties on U.S. exports. As a result of this determination, the U.S. Customs Service has been forced to cease collection of the HMT on exports. In addition, previous to the determination of the Supreme Court, the European Union challenged the HMT as a tariff barrier and an unfair trade practice under GATT. It will be unlikely that we will now be able to prevail in a GATT panel in a challenge to the HMT given that we only would collect the HMT for imported items.

THE FEDERAL GOVERNMENT MUST RESUME RESPONSIBILITY FOR CHANNEL MAINTENANCE

The debate over the creation of a user fee in 1986 to fund maintenance dredging was a long and acrimonious one and one that divided the port, shipper, and carrier communities. Congress recognized and considered that the assessment of a tonnage fee on cargo or vessels would have severely affected bulk commodities, such as grain or coal, which compete in international markets where even the slightest price fluctuation can make or break a sale. The final product, assessing an Ad Valorem fee on cargo, ending up adding hundreds of dollars to the cost of shipping a single container of high value cargo, such as electronic equipment or computers, has caused traffic to be diverted to non-U.S. ports to avoid payment. For instance, the imposition of the HMT caused a railcar-carrier service on the Great Lakes to go out of business.

When the HMT was enacted in 1986, Congress tried to be sensitive to the impact of a user fee on trade, and set the HMT at a level to collect 40 percent of the costs thought to be required to cover maintenance dredging. However, in 1990 in the budget agreement, Congress tripled the fee with very little debate, and since then the trust fund has accumulated a $1.2 billion surplus and that surplus has been projected to grow to $1.9 billion by the end of fiscal year 1999.

The cost of maintenance dredging is expensive, and many U.S. ports could not perform routine maintenance dredging programs given the scope of the need of certain ports and the hydrographical particulars of certain channel waterways. Without routine maintenance dredging, many of these channels would be rendered unnavigable. It should be remembered that the prime beneficiaries of adequately maintained navigation channels are not the ports themselves, although local port communities do benefit from the economic activity generated through the port, but U.S. producers and consumers. In fact, the beneficiaries include the entire national economy, as well as the Federal Government, as well as the vessels of the U.S. Navy, Coast Guard, and other public agencies which travel our navigable channel waterways—all benefit from the public sector payments into the HMT to defray maintenance dredging costs.

Without today's access to ports, there would be fewer and more expensive transportation options. U.S. exports would suffer as producers' transportation costs increased, thus decreasing our international competitiveness and the availability or accessibility of certain imports. Since 95% of U.S. international trade moves through our ports, the channels and harbors must be kept safe and navigable through essential routine maintenance by removing sediment that can clog shipping lanes.

USER FEES FOR DREDGING HURT OUR INTERNATIONAL TRADE COMPETITIVENESS

Imposing new taxes on trade to fund maintenance dredging would run counter to our government's trade promotion efforts. Our nation cannot hope to reap the economic benefits of the global marketplace without providing the infrastructure necessary to transport those goods as cheaply and efficiently as possible. A 1993 General Accounting Office study found that 12 Federal agencies already levy 117 assessments on waterborne trade. Making our exports more expensive through additional fees makes the U.S. less competitive in international markets.

U.S. ports annually handle more than one billion metric tons of international trade cargo valued in excess of $600 billion. Customs revenues in FY 1996 totaled $22.3 billion, of which roughly 70 percent (or $15.6 billion) is attributable to seaport activity. International trade's impact on the U.S. Gross Domestic Product (GDP) is growing by astronomical bounds. In 1970, trade represented only 13 percent of U.S. GDP. By 1996, trade had grown to account for 30 percent of GDP, or about $2.3 trillion. More than 11 million U.S. jobs now depend on exports, and this figure represents an increase of 1.5 million jobs in just four years. Significantly, the wages earned by workers manufacturing goods for export are, on average, 13–17 percent higher than non trade-related jobs.

WHY DREDGE?

Over 90 percent of the nation's top 50 ports in foreign waterborne commerce, including ports in Louisiana, require regular maintenance dredging. Together these ports move nearly 93 percent of the volume of all U.S. waterborne commerce. Routine maintenance dredging is necessary in many parts of the country to remove sediment from rivers and harbors that builds up due to tidal and other hydrographical forces. Without dredging, many port facilities and navigation channels would be rendered unsafe and non-navigable to users in less than a year. For example, the Columbia River accumulates sediment at a rate of five to six feet a year in some areas. Without routine dredging, areas of the navigation channel that serves the water highway for many ports in Oregon and Washington State could change from a 40-foot to a 35-foot deep channel in one year. Since 90% of the ship traffic use the maximum depth of the channel, such a dramatic change would prohibit many ships from entering the channel or force ships to carry only a fraction of their intended load, making their voyages expensive and inefficient.

Failure to adequately maintain navigation channels affects not only the local economy around the port, but has far-reaching impacts throughout the country. For example, agricultural and natural resource products such as grain or timber will be unable to reach export markets. In addition, imports such as clothing, consumer electronics, and automobiles will become more scarce and expensive. Since ships and ports provide the means to facilitate the flow of interstate and international commerce, the Federal Government should bear a large portion of the responsibility to ensure that these trade conduits remain viable.

THE ECONOMIC BENEFITS OF WATERBORNE SHIPPING ARE PLENTIFUL

The economic benefit of our waterborne system is nationwide: goods from 27 states leave the country through the ports in Louisiana alone. Midwestern

grain supplies the Pacific rim market through ports in the Pacific Northwest. Crude oil that is brought to and refined in New Jersey and Pennsylvania reaches consumers on the entire East Coast—from Maine to Florida. Steel that travels to major Midwestern industrial centers is delivered cheaply and efficiently through ports on the Great Lakes. Ports on the West Coast handle high value goods destined for consumers throughout the country.

Costs associated with waterborne shipping are three to four times less per ton-mile than any other freight transportation, and waterborne shipping is the most cost effective method of freight movement. Our waterborne transportation efficiency contributes mightily to our ability to compete in the price sensitive bulk commodity markets. Grain and coal are just two examples of price-sensitive bulk commodities. Because shipping contracts can hinge on a few tenths of a cent per bushel of grain or ton of coal, transportation costs can be the deciding factor for foreign buyers choosing between American or foreign bulk products.

Maintaining the right channel depth allows U.S. commodities to stay competitive. For each foot of draft vessel depth not dredged, vessels carry less product—making each voyage less efficient and more costly. For instance, maintaining a channel at 43 feet instead of 44 feet may mean the difference of 750 tons of additional coal capable of being loaded on a ship. Properly maintained channels can make or break a contract in the international marketplace.

SAFETY AND ENVIRONMENTAL BENEFITS OF DREDGING

Making waterways safe for navigation is one of the most important benefits of routine maintenance dredging. Deepened channels that accumulate sediment become dangerous because they increase the chance of ships running aground. Groundings are expensive not only in cargo and time lost, but groundings may also pollute the environment if ships' hulls are breached and cargo is spilled. The cost of responding to and cleaning up oil pollution impacts everyone. Well-maintained channels eliminate any surprise shoalings or buildups that may cause mishaps harmful to the environment.

When waterways are not regularly dredged, ships have to be lightered; that is, they have enough cargo removed to smaller, shallower vessels so that the primary ship is light enough to enter the harbor safely. Aside from the additional handling costs associated with the practice and the loss of time and potential productivity, lightering of bulk liquids increases the chance of spillage and pollution.

Waterborne freight transportation is also the most efficient mode of surface transportation in terms of fuel use per ton-mile. Waterborne commerce contributes the least amount of pollution in terms of hydrocarbons, carbon monoxide, and nitrous oxide emitted per ton-mile, and is also the safest in terms of death or injury per ton-mile. Waterborne shipping emits five times fewer hydrocarbons than trains and seven times fewer than trucks. A shift of less than 1 million tons of cargo from ship to truck would increase fuel use by a factor of ten, and probable accidents by a factor of six annually.

FUTURE ROLE OF U.S. AT STAKE

Since the first wooden vessels arrived on our shores, this nation has relied on and prospered due to its access to water and thereon to the rest of the world. Both economically and strategically, thereby are no greater national assets than our ports and federal navigation channels—our water connections to the global marketplace and our means of projecting our national defense.

Until 1986, the Federal Government fully funded the maintenance of our Nation's navigation channels, maintaining a partnership with state and local port authorities. Contributing to, and relying on this partnership, these local port agencies have invested billions of dollars in land-side terminals to develop the array of ports along our three sea coasts, Great Lakes, and inland waterways. The HMT, instituted in 1986 to recover first 40%, then 100%, and more, of dredging maintenance costs, has been ruled unconstitutional as applied to exports by the U.S. Supreme Court. Based both on this decision and the rancorous debate during the 1980s, any alternative trade tax/user fee funding mechanism will have significant legal and political challenges to overcome.

With the United States' future role in the global economy at stake, it is critical that we approach this issue delicately, and I would urge the Administration to carefully review this issue and not rush to any judgment. This issue has too many different constituencies with an important stakeholder interest.

Accordingly, I have written to Secretary Slater to request his assistance in establishing a private sector task force to review the issues confronting any reformulated approach to maintenance dredging. At a minimum, this task force should include various carrier and shipper interests and port and port-related labor interests and should allow the affected interests to air their concerns and make recommendations. The problem that we face with the potential elimination of the HMT is severe, and any action to replace it, or reformulate it, should be done only after an informed airing of the issues from affected parties. Mr. President, this issue is critical not only to Louisiana but to the entire country. I look forward to working with all interested parties to develop a workable solution.●

PRESIDENT CLINTON NAMES CLYDE J. HART AS ADMINISTRATOR OF THE MARITIME ADMINISTRATION

● Mr. TORRICELLI. Mr. President, I rise today in support of Clyde J. Hart's nomination as Administrator of the Maritime Administration. Mr. Hart is originally from my home State of New Jersey and I am proud to stand with him as he prepares for his confirmation process before the Senate.

Mr. Hart is currently the senior Democratic Counsel for the Committee on Commerce, Science, and Transportation, Surface Transportation and Merchant Marine Subcommittee in the Senate. I have had the great privilege of working with him in the past on the issue of hazardous waste transportation, and have found him to be very intelligent and extremely effective.

Before coming to work for the Senate, Mr. Hart had extensive experience in a variety of fields. He has practiced law here in Washington, D.C., taught courses at the University of Virginia and served his nation in uniform from 1965–1969. He is a scholar and a patriot.

I commend President Clinton for such an excellent choice for Maritime Administrator and look forward to working closely with Mr. Hart as he assumes control of this critical agency. I join my colleagues in support of this nomination and am confident of Mr. Hart's prompt approval by the full Senate.●

DEATH OF THE HONORABLE BARRY GOLDWATER

Mr. McCAIN. I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 241, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution.

The bill clerk read as follows:

A resolution (S. Res. 241) relative to the death of the Honorable Barry Goldwater, formally a Senator from the State of Arizona.

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Barry Goldwater, formerly a Senator from the State of Arizona.

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate recesses today, it stand recessed as a further mark of respect to the memory of the deceased Senator.

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. McCAIN. I yield to the Senator from Virginia.

Mr. WARNER. I wish to commend my distinguished friend and colleague for this resolution, and I ask that I be listed as a cosponsor.

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

Mr. WARNER. I had the privilege of serving with the distinguished Senator Goldwater for many years and worked with him diligently these years as an understudy, if I may say with great humility, on the Armed Services Committee. He was truly a man who left a profound impact on this humble Senator, as he did many others.

I wish to commend my colleague from Arizona.

Mr. McCAIN. I want to thank my friend from Virginia concerning his kind remarks.

I know that Senator Goldwater considered Senator WARNER of Virginia one of his dear and close friends. As I have remarked on several occasions, the Goldwater-Nichols Act was the product of many individuals, but the Senator from Virginia played a key role in assisting Senator Goldwater in the completion of legislation that played a major role in our victory in Operation Desert Storm.

Mr. President, I ask unanimous consent the resolution be agreed to and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 241) was agreed to.

JUSTICE JOHN McKINLEY FEDERAL BUILDING

Mr. McCAIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 375, S. 1298.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A bill (S. 1298) to designate a Federal building located in Florence, Alabama, as the "Justice John McKinley Federal Building."

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

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

Mr. McCAIN. Mr. President, I ask unanimous consent that the bill be considered read the third time, passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be placed in the RECORD at the appropriate place as if read.

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

The bill (S. 1298) was considered read the third time, and passed, as follows:

S. 1298

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF JUSTICE JOHN MCKINLEY FEDERAL BUILDING.

The Federal building located at 210 North Seminary Street in Florence, Alabama, shall be known and designated as the "Justice John McKinley Federal Building".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the "Justice John McKinley Federal Building".

RICHARD C. LEE UNITED STATES COURTHOUSE

Mr. McCAIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 376, S. 1355.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A bill (S. 1355) to designate the United States courthouse located in New Haven, Connecticut, as the "Richard C. Lee United States Courthouse."

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

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

Mr. McCAIN. Mr. President, I ask unanimous consent that the bill be considered read the third time, passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be placed in the RECORD at the appropriate place as if read.

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

The bill (S. 1355) was considered read the third time, and passed, as follows:

S. 1355

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF RICHARD C. LEE UNITED STATES COURTHOUSE.

The United States courthouse located in New Haven, Connecticut, shall be known and designated as the "Richard C. Lee United States Courthouse".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in section 1 shall be deemed to be a reference to the "Richard C. Lee United States Courthouse."

JOSEPH P. KINNEARY UNITED STATES COURTHOUSE

Mr. McCAIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 377, S. 1800.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A bill (S. 1800) to designate the Federal building and United States Courthouse located at 85 Marconi Boulevard in Columbus, Ohio, as the "Joseph P. Kinneary United States Courthouse."

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

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

Mr. McCAIN. Mr. President, I ask unanimous consent that the bill be considered read the third time, passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be placed in the RECORD at the appropriate place as if read.

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

The bill (S. 1800) was considered read the third time, and passed, as follows:

S. 1800

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF JOSEPH P. KINNEARY UNITED STATES COURTHOUSE.

The Federal building and United States courthouse located at 85 Marconi Boulevard in Columbus, Ohio, shall be known and designated as the "Joseph P. Kinneary United States Courthouse".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building and United States courthouse referred to in section 1 shall be deemed to be a reference to the "Joseph P. Kinneary United States Courthouse".

RONALD V. DELLUMS FEDERAL BUILDING

Mr. McCAIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 378, S. 1898.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A bill (S. 1898) to designate the Federal building located at 1301 Clay Street in Oakland, California, as the "Ronald V. Dellums Federal Building".

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

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

Mr. McCAIN. Mr. President, I ask unanimous consent that the bill be considered read the third time, and passed, that the motion to reconsider be laid upon the table, and that any statements relating to the bill be placed in the RECORD at the appropriate place as if read.

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

The bill (S. 1898) was considered read the third time, and passed, as follows:

S. 1898

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF RONALD V. DELLUMS FEDERAL BUILDING.

The Federal building located at 1301 Clay Street in Oakland, California, shall be known and designated as the "Ronald V. Dellums Federal Building".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the

United States to the Federal building referred to in section 1 shall be deemed to be a reference to the "Ronald V. Dellums Federal Building".

HURFF A. SAUNDERS FEDERAL BUILDING

Mr. McCAIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 379, S. 2032.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A bill (S. 2032) to designate the Federal building in Juneau, Alaska, as the "Hurff A. Saunders Federal Building".

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

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

Mr. McCAIN. Mr. President, I ask unanimous consent that the bill be considered read the third time, and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be placed in the RECORD at the appropriate place as if read.

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

The bill (S. 2032) was considered read the third time, and passed, as follows:

S. 2032

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF HURFF A. SAUNDERS FEDERAL BUILDING.

The Federal building in Juneau, Alaska, shall be known and designated as the "Hurff A. Saunders Federal Building".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the "Hurff A. Saunders Federal Building".

HOWARD T. MARKEY NATIONAL COURTS BUILDING

Mr. McCAIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 380, H.R. 824.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A bill (H.R. 824) to redesignate the Federal building located at 717 Madison Place, NW., in the District of Columbia, as the "Howard T. Markey National Courts Building".

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

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

Mr. McCAIN. Mr. President, I ask unanimous consent that the bill be considered read the third time, and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be placed in the RECORD at the appropriate place as if read.

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

The bill (H.R. 824) was considered read the third time, and passed.

ORDERS FOR THURSDAY, JUNE 4, 1998

Mr. McCAIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess, in accordance with the provisions of S. Res. 241, until 9:30 a.m. on Thursday, June 4. I further ask that on Thursday, immediately following the prayer, the routine requests through the morning hour be granted and the Senate then resume consideration of S. 1415, the tobacco legislation.

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

PROGRAM

Mr. McCAIN. Mr. President, for the information of all Senators, the Senate will reconvene on Thursday of this week. There will be no session in the Senate tomorrow to allow a large number of our colleagues to attend the funeral service of former Senator Barry Goldwater.

On Thursday, the Senate will resume the tobacco legislation. There are several amendments still pending to the bill, and it is hoped that those issues can be disposed of Thursday at an early hour so that the Senate can consider additional amendments to the tobacco bill. Rollcall votes are therefore expected throughout Thursday's session of the Senate.

I remind all Senators that there are a number of items that the Senate may also resume or begin, including the Department of Defense authorization, and/or conference reports available, and any appropriations bills that are ready for action. As always, other executive or legislative matters may be considered as they are cleared.

RECESS UNTIL 9:30 A.M., THURSDAY, JUNE 4, 1998

Mr. McCAIN. Mr. President, if there is no further business to come before the Senate, I now ask that the Senate stand in recess in accordance with Senate Resolution 241.

There being no objection, the Senate, at 7:05 p.m., recessed until Thursday, June 4, 1998, at 9:30 a.m.

CONFIRMATION

Executive Nomination Confirmed by the Senate June 2, 1998:

THE JUDICIARY

ROSEMARY S. POOLER, OF NEW YORK, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SECOND CIRCUIT.