Experts agree that the ruling, which overturned a judgement termed by the AMA as a ''milestone,'' has important national implications. This jury award was just the second jury award against a tobacco company in all of our history in this country.

Now, you can go back to the 1960s, when I became a young lawyer in Pittsburgh, PA. The first antitobacco cigarette cancer case in the history of the world was brought to the Federal district court by none other than Jimmy McArdle, one of the greatest plaintiffs' attorneys who ever lived, the lead partner in the law firm McArdle, Harrington, Feeney, and McLaughlin.

That was a big battle. This case was publicized all over the country. It was the first loss of literally hundreds of cases.

The ruling in the Florida case was just the second awarded against tobacco companies, and its reversal once again demonstrates how hard it is to successfully sue the tobacco industry.

This ruling affirms the vitality of the common law doctrine of assumption of risk which bars recovery if the plaintiff knew the risk of his action. Because of the assumption of risk doctrine, the tobacco companies win almost all their cases.

A national settlement bill, such as Hatch-Feinstein, would assure an orderly and rational payout of funds by earmarking annual payments. It would avoid the so-called ''race to the courthouse'' that has so many of us concerned.

These two Washington Post articles point out the need for a ''global'' approach in the words of the Attorneys General.

I would happily yield the remainder of my time to my friend from California.

Mrs. FEINSTEIN. I thank the chairman. And I thank him very much for all his work in this area.

I think, just to summarize—and I recognize there is a lot of territorial imperative resounding around this issue. And I hope that can be put into perspective and that we can look to find something around which we can rally.

True, this is a compromise proposal. I hope it will not be dismissed out of hand. It has a liability cap, yes. It has strong look-back provisions. It provides $428 billion over 25 years. It does divide the money 50–50 to federal and state. The money that goes to the State can be used for 14 specific programs. The money that goes to the federal fund is used for tobacco-related research and public health programs. It does have the FDA provisions. It does have strong advertising provisions.

Now, as I have talked to people, there is a kind of purist attitude that ''Unless a bill is this or that, I won't vote for it.'' Well, there are a lot of strong feelings on behalf of all of us. I could say—and it is true—my calls on tobacco reform have run dominantly in the negative, those people opposed to reform. And yet I think there isn't a Member in this body who does not understand that tobacco reform is something that is important, just forged from one statistic—and that is 3,000 young people a day beginning to smoke, and 1,000 of them dying from tobacco-related illnesses.

We know we have to do something. We do know when you raise the price, teenagers stop or are deterred from buying. If you combine that with a strong no-advertising provision and a strong look-back provision to keep the companies honest, I think you have a bill that is about as good as one can get.

So I'm very pleased and proud to join with the chairman of the Judiciary Committee, once again, to offer to work with whomever in this body so that we might be able to introduce a bill that will be looked upon with favor by a majority.

I thank Chairman HATCH and I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call.

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

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

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1999

The PRESIDING OFFICER. The order of June 18, 1998, in regard to H.R. 4060 has been executed.

The bill is passed, and the conferees have been appointed.

(Pursuant to the order of June 18, 1998, the Senate passed H.R. 4060, making appropriations for energy and water development for the fiscal year ending September 30, 1999, after striking all after the enacting clause and inserting in lieu thereof the text of S. 2138, Senate companion measure, as passed by the Senate. Also, pursuant to the order of June 18, 1998, Senate insisted on its amendment, requested a conference with the House thereon, and the following conferees were appointed on the part of the Senate: Senators DOMENICI, COCHRAN, GORTON, MCCONNELL, BENNETT, BURNS, CRAIG, STEVENS, REID, BYRD, HOLLINGS, MURRAY, KOHL, DORGAN, and INOUYE. The passage of S. 2138 was vitiated and the measure was indefinitely postponed.)

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

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

NATIONAL DEFENSE AUTHORIZATION ACT OF 1999

The Senate continued with the consideration of the bill.

Mr. BURNS. Mr. President, parliamentary inquiry: What business are we in?

The PRESIDING OFFICER. The Senate is on division I of amendment No. 2137.

Mr. BURNS. Mr. President, I ask unanimous consent that be laid aside.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. Reserving the right to object, I ask the Senator to withhold that, if he would, for another few minutes, to see if we can work out a unanimous-consent agreement, pursuant to which he would be able to proceed. Otherwise, I think we would have to object on this side, and perhaps on your side, without that unanimous-consent agreement. We are trying, however, very hard to work out a unanimous-consent agreement to permit the Senator to proceed.

So I ask the Senator to withhold just for a few more minutes to see if we can do that. In the absence of that, I would have to object.

Mr. BURNS. I appreciate the suggestion of the manager of the bill. I will do that.

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. BAUCUS. 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. BAUCUS. Mr. President, I ask consent to speak as in morning business.

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

PARTISAN FIGHTING OVER FOREIGN RELATIONS POLICY

Mr. BAUCUS. Mr. President, we are here to debate one of the most significant components of our foreign relations policy, and that is the Department of Defense authorization bill.

There is often a great temptation to exploit foreign policy debates for partisan political purposes. We all are tempted. But I believe that when we do—that is, on a foreign policy debate—it is a mistake. Such partisan fighting over critical issues of worldwide importance is both dangerous and counterproductive, and that is why I see engaging in congressional debates over China policy at this time, particularly amendments which are perceived as mischievous, is not a good idea. Although China does not manage its affairs as we would like, it makes little sense to base our relationship entirely on that concern. We should base our relationship, rather, with China on a clear view of United States interests, a