

I think we can all learn by the example set almost 20 years ago when this body, as I mentioned earlier, confirmed C. Everett Koop to be Surgeon General over the objections of many in the other party.

The fears about Dr. Koop's partisanship were unfounded. Today, he is widely respected by Senators on both sides of the aisle, and it is my hope that this is a legacy Dr. Satcher will leave as well.

THE TOBACCO SETTLEMENT

Mr. HATCH. Mr. President, I also want to take this opportunity to announce what I consider to be an important development on the tobacco legislative front.

This morning, a senior official in the administration, David Ogden, counselor to Attorney General Reno, delivered testimony on the tobacco settlement at the House Judiciary Committee hearing.

Mr. Ogden testified that:

If there is agreement on a comprehensive bill that advances the public health, then reasonable provisions modifying the civil liability of the tobacco industry would not be a deal breaker.

Since announcement of the June 20 proposed tobacco settlement last year, I have maintained that a legislative measure which incorporates strong public health provisions in conjunction with certain defined civil liability reforms could do more to stop the next generation of our children from getting hooked on tobacco than any bill we have ever considered.

The Administration's announcement today will do much to make passage of that landmark legislation possible. I call upon the President to send us his language on a priority basis. In fact, I have invited the Department of Justice to testify at the Judiciary Committee hearing next Tuesday on the tobacco settlement, and we will be greatly interested in the details of the President's position on liability.

Mr. President, this is a stunning breakthrough, one which I believe greatly increases the probability that a broad, bipartisan consensus can be reached on the tobacco settlement.

PRIVILEGE OF THE FLOOR

Finally, Mr. President, let me just conclude by asking unanimous consent that Bruce Artim and Marlon Priest be granted privileges of the floor during the pendency of the Satcher nomination and during consideration of S. 1601, the anti-cloning bill.

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

Mr. HATCH. Mr. President, I yield the floor.

Mr. FRIST addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. FRIST. Would the Senator like me to yield?

Mr. LEAHY. Mr. President, will the distinguished Senator from Tennessee be willing to yield me 3 minutes?

Mr. FRIST. Absolutely.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

(The remarks of Mr. LEAHY pertaining to the introduction of S. 1612 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. LEAHY. I thank my good friend from Tennessee for yielding me this time.

The PRESIDING OFFICER (Mr. ALLARD). The Senator from Tennessee.

Mr. FRIST. Mr. President, Thank you.

COMMISSION TO PROMOTE A NATIONAL DIALOGUE ON BIOETHICS

Mr. FRIST. Mr. President, I want to take a moment to speak to the bioethics commission which will be proposed. It is part of a bill which I am not sure is going to make it to the floor today. I would like to comment on that commission.

Mr. President, I want to comment briefly on this concept which is in the bill that will be considered sometime in the future. I am not sure it will be this afternoon, or next week, or sometime in the future. And the aspect that I want to comment on is this bioethics commission. I think it is critical that at the end of this century and on into the next century we have somewhere in the United States a forum where we can carry on intelligent discussions on the ethical, the theological, the scientific, and the medical issues that are inevitable as science progresses with breakthrough discoveries that have the potential both for very good—very good—but also evil. Where do we digest those in the society when they are coming through not every week nor every month but even more frequently? In response to that, I proposed the national bioethics commission.

We have the National Bioethics Advisory Commission, so-called NBAC. And I think over the next few days the country will become familiar with that NBAC designation. The NBAC, the National Bioethics Advisory Commission was appointed entirely by the President of the United States. They did a very good job this past year in assimilating data, information, reports, and testimony from experts and the lay public broadly over a 90-day period addressing human cloning. That was a good start. But they very openly said that they were unable to substantively address the ethical issues surrounding human cloning.

As I have said earlier today, as a scientist, and a public servant now, I want to make the case that we can no longer separate science from the ethical consideration in that we as a body must address how to establish a forum in which such discussions can be carried out.

The Commission cited inadequate time to tackle the ethical issues in the context of our pluralistic, complex, intricate society in that they chose pri-

marily to focus on scientific concerns as well as the less abstract concept of safety. What is safe or not safe? Is this procedure safe, or is it not safe? They then appealed to each American citizen to step up to the plate and exercise their leadership and their moral leadership in formulating a national policy on human cloning. We need that forum.

Time has shown that neither the Presidential Commission nor the United States Congress is probably the forum, or at least is an inadequate forum, for addressing these bioethical issues which are of tremendous intricacy and important to society.

I, therefore, proposed this national bioethics commission in our legislation. It is representative of the public at large. It has the combined participation of experts in law, experts in science, experts in theology, experts in medicine, experts in social science, experts in philosophy, and the interest of members of the public. It is my hope that this commission will forge a new path for our country in the field of bioethics that will enable us to have an informed, a thoughtful, a sophisticated, and scientific debate in the public square without fear on behalf of the public, or politicians, or politics driving our decisions.

In this proposal, the majority and minority leaders of Congress would appoint the members of the panel. No current Member of Congress or the administration would serve on this panel. We simply must depoliticize these discussions which will simultaneously broaden input from the general public. Each and every citizen of this country should have the opportunity to contribute to these debates.

This commission would be established within the Institute of Medicine, and would be known as a commission to promote a national dialogue on bioethics.

Very briefly, it would have 25 members, 6 appointed by the majority leader of the Senate, 6 by the minority leader of the Senate, 6 appointed by the Speaker of the House, and 6 appointed by the minority leader of the House of Representatives. There would be a chairman. In addition, representatives stated in the legislation would be from the fields of law, theology, philosophy, ethics, medicine, science, and social science. The commission would be appointed no later than December 1st of this year. We have to move ahead quickly. They would serve for a length of 3 years. And the duties of the commission, as spelled out in the legislation, would be to provide an independent forum for broad public participation and discourse concerning important bioethical issues, including cloning, and provide for a report to Congress concerning the findings, conclusions, and recommendations of the commission concerning Federal policy and possible congressional action.

Subcommittees are established on that commission for legal issues, for theological issues, for philosophical

and ethical issues, medical issues, and scientific issues, and for social issues.

I will not belabor the commission, but want to come back to the concept and the concept is to have an appropriate forum to discuss the types of issues we are discussing today, which I have made the case that we have to act on today in response to proposals that have been made from the private sector and to have a better, a more appropriate, a more responsive, and a more representative forum to address such issues in the future.

Mr. President, I yield the floor.

Mr. KERREY addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. Mr. President, I ask unanimous consent that I may speak as if in morning business.

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

THE PRESIDENT'S BUDGET

Mr. KERREY. Mr. President, there has been a lot of commentary before about the President's budget, and I would like to offer a little comment prior to talking about the proposals that I heard the distinguished Senator from West Virginia, Senator BYRD, make the other day having to do with the importance of ISTEA legislation.

My own view is that there is an awful lot that Congress needs to be proud of at the moment. We sometimes make it worse with our actions. And when we help make things better, it seems to be important for us to take stock of what we have done and to acknowledge our accomplishments.

I believe the last 7 years in the United States we have seen a dramatic transformation in the United States Congress from one of an expectation almost that the Japanese and other Asian nationals are going to overwhelm us.

I remember very well in 1991 the debate was: Will the U.S. currency be devalued in the end? Could our automobile manufacturers survive? Could our computer manufacturers survive? There were a lot of people who reached the conclusion that we would not be able to do that, and what we ought to do is adopt the Japanese model, to have the Government much more involved in the decisionmaking businesses, with a much closer relationship, and industrial policy was quite popular at the time.

We chose a different direction. We enacted in 1990, and in 1993 and again enacted in 1997, legislation that imposed fiscal discipline on the Federal Government. And as a consequence of that we are now finding ourselves debating what are we going to do about the surplus? We have reduced Government borrowing, and reduced Government borrowing just from the 1993 legislation by almost \$800 billion; and that coupled with tremendous accomplishments in the private sector, businesses and employees working harder, pro-

ducing more, being more competitive and especially paying attention to price and quality which is what the consumer increasingly is looking at before they will make a purchase.

Our goods are selling. Our cars and computers are selling. Our software and food is selling. Our products are selling. People throughout the world, where they have an opportunity to buy our products are saying that "Made in the U.S.A." is good again. It wasn't that long ago when people were saying maybe it is not so good.

So we need to congratulate ourselves. We have a surplus. The cost of the Federal Government is down to the lowest as a percentage of GDP than it has been in a long time. Crime is down in most major cities. There is a lot that we need to feel good about—not just as Members of Congress but as Americans for how it is that we have gotten to where we are today.

Mr. President, I think, as is always the case in any competitive operation, that it must be pointed out that there is a need to take advantage—not to say it is terrific and we are on the top of the heap and become complacent. That is when you get in trouble. I understand that there is uncertainty when you are having to compete. But in part that uncertainty means we are doing a good job because we are not asking anybody to provide us with an absolute guarantee of success. We are saying that we are prepared to get in the market and do what we have to do to be successful.

So I believe it is not the time in 1998 to say that it is terrific, and let's figure out how to spend the surplus, or let's figure out how to take an easy course of action. I think the President has outlined for us a tough course in setting Social Security as a top priority saying we have to have a discussion in 1998 about it besides in 1999 what we are going to do with the most expensive program that we have in Washington, DC, today. I applaud that.

All of us need, as we look at the Congressional Budget Office numbers, to be alert. And the distinguished Senator from Tennessee and I are both on the Medicare commission, and I presume that Medicare commission, which I think is going to have our first meeting sometime in March relatively quickly, I hope. Our big concern should be the year 2010, the year 2030, and the CBO numbers that we are given. All of us need to understand that it only extends out 10 years. The next 10 years looks pretty good. Over the next 10 years not a single baby boomer will retire. They start to retire; 77 million of them start to retire in the year 2010. And from 2010 to 2030, the number of retirees will increase almost 25 million while the number of workers only goes up 5 million. That is a demographic problem—not caused by liberalism or conservatism. It is a demographic problem, and my guess is that this year it will impose some sort of children's health fee on tobacco. My guess is that

the increased funding in NIH will go through. And my guess is that as a consequence of that and what other sorts of things there will be that the baby-boom generation is going to live even longer than what we are currently forecasting. And their demand for collective transfer payments both from Social Security and Medicare are apt to be larger than what we are currently estimating, not likely to be smaller.

During that period of time—2010–2030—the percent of our budget that is allocated to mandatory spending, presuming that we allow net interest to go down, which is by no means certain, if we allow the debt to be paid down so the net interest can go down, even with that scenario, at the end of the baby boom generation 80 percent of the budget will go to mandatory spending. All one has to do is take today's budget of \$1.7 trillion, subtract 80 percent, and ask yourself how you are going to defend the Nation with 20 percent, how you are going to build our roads, how you are going to maintain a law enforcement system, how you are going to do all the things that everyone wants to do with only 20 percent left.

That is the dilemma, it seems to me, we are going to face. So I hope in this moment of exuberation and exhilaration we understand now is not the time to become complacent. Now is not the time for us to just come to the floor and try to tee up things that are relatively easy. We have to get the tough things done.

INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT

Mr. KERREY. Mr. President, I was very disappointed, many of my colleagues down here, a lot of us were disappointed that we were not able to get the ISTEA legislation passed last year. For me the ISTEA legislation is one of the most important things with which this Congress deals. It creates immediate jobs, employs people in my State, but much more importantly, it adds to the productive capacity out in the future. It contributes to our capacity to be competitive. It enables our families to do what they want to do when they take their leisure time.

Our transportation system is enormously important, and it is one of the things we in America have to be proud of. It enables us to maintain our competitive edge and to be able to celebrate.

I was encouraged earlier last year when the majority leader indicated that he was going to make this a priority and bring it up right away. I have great respect for Senator DOMENICI, the chairman of the Budget Committee, who is asking that this legislation be taken up after we get a budget resolution, but that means we will have to get another 6-month extension. That means there will be contract uncertainty out there in the country. That means we may not get this thing done until next year.