

young adult market, the 14-24 age group. . . represent(s) tomorrow's cigarette business." That same presentation said: "For Salem, significant improvements have been made in the advertising, designed for more youth adult appeal under its greenery/refreshment theme. These include: more true-to-life young adult situations. More dominant visuals. A greater spirit of fun. . . For Camel Filter, we. . . will have pinpointed efforts against young adults through its sponsorship of sports car racing and motorcycling." The Mangini documents also demonstrate that RJR has been secretly conducting extensive surveys of the smoking habits of teenagers for decades.

Given this track record, I am deeply skeptical of the tobacco industry and its willingness to change its behavior. Yet they say they are willing—my bill will put them to the test.

BILLIONS SPENT EACH YEAR ON TOBACCO
ADVERTISING

At every turn, the tobacco industry has come up with a slick new way to hook kids on tobacco. And we know from research that advertising targeted to children can play a pivotal role in an adolescent's decision to smoke.

Through the years, the tobacco companies have designed a way to attract generation after generation to smoking. Examples of industry practices are endless. Eighty-six percent of underage smokers prefer one of the three most heavily advertised brands—Marlboro, Newport or Camel.

One of the advertising campaigns most markedly aimed at young people is the Joe Camel campaign. After RJ Reynolds introduced this campaign, Camel's market share among underage smokers jumped from 3 percent to over 13 percent in 3 years.

Although Congress banned cigarette advertising on television in 1970, tobacco companies routinely circumvent this restriction through the sponsorship of sporting events that gives their products exposure through television.

Data from the Federal Trade Commission indicates how much the industry spends on these activities. Advertising and promotion expenditures have increased tenfold since 1975. In 1975, the industry spent \$491 million. In 1995 alone, tobacco manufacturers spent \$4.9 billion on advertising and promotional expenditures.

The federal government subsidizes tobacco advertising through a tax deduction (generally a 35% deduction) for advertising expenses. In 1995, this subsidy cost the American taxpayers approximately \$1.6 billion. In terms of lost revenues to the Federal Treasury, it is certainly not an insignificant amount of money.

In effect, the federal government is subsidizing the industry's advertising costs. For example, in 1995, the cost of the cigarette advertising deduction covered the total amount spent by the industry on coupons, multi-pak promotions, and retail value added items,

such as key chains, and point of sale advertising—the kind of items that are most attractive to our children.

CONSTITUTIONAL ISSUES

The First Amendment does not entitle tobacco companies to target children. The Supreme Court has said that commercial speech enjoys only limited protection. It is interesting to note that tobacco companies have not challenged the right of the government to restrict their advertising in other ways, such as the 1971 ban on broadcast advertising for tobacco products.

The industry has said that it must be offered liability limits for them to "consent" to advertising restrictions. In effect, the industry is saying, if Congress wants the companies to stop illegal efforts to induce children to smoke, then Congress should protect the industry from legal action. And the hypocrisy of the industry's position is that they would like the immunity protections in statute but say that the advertising restrictions "cannot be imposed by statute or by rule."

Some in the industry have suggested that without liability protections, the tobacco industry will continue to market to children. A USA Today article on February 19, 1998 stated that industry spokesman Meyer Koplow "warned that the industry might return to practices such as cartoon advertising if Congress fails to grant protection from lawsuits."

The tobacco industry, the advertising industry, and others have said that they would challenge statutory restrictions on advertising. While I believe that S. 1368 and other proposals do not violate the constitution, I recognize the uncertainty surrounding the provisions in this and other bills.

What is certain is that Congress has the authority over the tax code. This legislation uses that authority to put an end to the tobacco industry's practice of targeting children.

Mr. President, I urge my colleagues to join me in this effort to protect America's children.●

CAMPAIGN FINANCE REFORM

● Mr. ABRAHAM. Mr. President, I rise today to express my opposition to the McCain-Feingold Campaign Finance Reform amendment.

First, I would like to point out that I consider myself, like many members of this Chamber, on the side of election reform. But, in my view, that reform must be crafted in such a way as to bring representatives closer to their constituents, not further open what is in many cases an excessively wide gap.

It was because of my commitment to effective electoral reform that I voted against this package the last time it reached the floor. Further, Mr. President, none of the changes this package has undergone lead me to believe that I should change that vote. On more than one occasion I have come to the floor to outline the standards which I believe any campaign finance reform

legislation must meet if it is to be in the public interest, and if it is to gain my vote. McCain-Feingold continues to violate these standards, so I have no choice but to oppose it.

The standards I believe crucial in this area, and which this legislation violates, are straightforward and relate to the right of Americans to express their political beliefs and have those beliefs count in federal elections.

The first principle in this regard provides that reform legislation must be consistent with the First Amendment to the Constitution of the United States. I will not support any legislation establishing prior restraint on political speech or empowering any federal bureaucracy to constrain first amendment rights. Our Constitution's first amendment, and the guarantees it provides for political speech, are fundamental to our system of liberty and republican government. Because McCain-Feingold allows them to be circumvented, I cannot support this amendment.

The second standard I believe crucial in this area is the protection of state and local units of government. I cannot support campaign finance legislation if it impedes or intrudes on the prerogatives of the States and localities with respect to how they conduct political campaigns. Because McCain-Feingold continues to impose rules on state and local governments, I cannot support it.

The third standard for electoral reform is maintenance of a proper balance between the first amendment rights of actual candidates and their political parties, and the rights of those who are not directly in the political arena. McCain-Feingold violates this standard as well, by tilting the balance strongly in the direction of special interest groups.

Increasingly, Mr. President, political candidates and their parties are being pushed aside by special interest groups in the very process of campaigning, a process intended to bring candidates in close touch with their constituents. By encouraging this process, McCain-Feingold actually exacerbates a problem that is threatening the very functioning of our republican form of government.

As an example of this phenomenon, I would like to mention certain political advertisements taken out recently by campaign reform groups in my own state of Michigan. These advertisements singled out this Senator for criticism because of my opposition to this particular amendment. Ironically, had McCain-Feingold been in effect at this time, it is likely that the Michigan Republican party would have been incapable of answering these misleading advertisements. I would have been forced to look to other outside sources to mount a response, diluting the proper influence of the state party.

Fourth, Mr. President, campaign finance reform must be balanced, not favoring or punishing any one particular party. In violation of this standard,

McCain-Feingold would enhance the ability of the Democratic Party to raise funds from its traditional sources, while disproportionately limiting the Republican Party's ability to do the same.

Finally, Mr. President, I strongly believe that any campaign finance reform must address the increasing reliance of candidates on contributions from people who are not their constituents. This practice, which McCain-Feingold does nothing to stop or curtail, separates candidates from their proper loyalty to their constituents and dilutes the voice of the people—a voice that must be heard for our system of government to function as it was intended.

This last standard is crucial, in my view, and I have joined with Senator HAGEL in drafting an amendment to address it. When I travel around my State, conducting town meetings, the issue of campaign finance reform is often raised. And, when I ask people what disturbs them the most in this area, on almost every occasion I hear the same answer, that individuals, political action committees, and special interest groups not even based in Michigan are bank-rolling Michigan Congressional campaigns.

Mr. President, I have not conducted a thorough study of the particulars of outside contributions, but I do know that a significant proportion of the money flowing into almost every federal campaign comes from individuals who are not the constituents of the particular elected officials who benefit. In fact, a number of members of the House and Senate actually receive the majority of their funding from people they do not even represent.

I am convinced, Mr. President, that this reliance on non-constituent funding for federal campaigns is at the root of current public dissatisfaction with our electoral system. Certainly, people are concerned regarding large contributions to the national parties, be they from individuals, corporations or labor unions. But more distressing, in my view, is the financing of elections by people and organizations from outside states.

Clearly, the first amendment places constraints on any attempt to address this glaring problem. But I believe it is possible to craft legislation protecting the rights of political speech while also limiting the influence of non-constituent campaign money. That is why I have joined with Senator HAGEL to file an amendment to the pending bill, limiting the amount of non-constituent money a candidate for federal office may receive.

Rather than limiting the ability of individuals or organizations to have their voices heard, this amendment would limit a candidate's ability to depend on non-constituent sources for campaign financing. Specifically, it would cap at 40 percent the total amount of money a candidate's campaign can accept from individuals or political action committees from out-

side the state. In addition, donations from political action committees, be they in-state or out-of-state, would be capped at 20 percent of the campaign total.

In addition, Mr. President, this amendment would provide for full and immediate disclosure, within 48 hours, of all expenditures and contributions by campaigns, national party committees, state parties and groups or individuals paying for independent expenditures. Like the amendment's other provisions, this aims to empower voters by keeping them fully informed as to the sources of candidates' contributions and support. The amendment's provision increasing the amount an individual may contribute to a federal candidate to \$5,000 per election also would level the playing field between individuals and special interests. To level the playing field between incumbents and challengers, without interfering with representatives' duties, the amendment also would limit Congressional use of the franking privilege.

Finally, this amendment would establish once and for all that accepting any contribution in a federal building is illegal.

This amendment, in my view, would help rebuild the necessary connection between political candidates and their constituencies—the tie on which our freedom relies, and which the bulk of McCain-Feingold would only weaken further.

Let me comment briefly now, Mr. President, on the legislation the McCain-Feingold amendment seeks to replace. I understand that the Majority Leader's bill provides paycheck protection for workers, thereby protecting American workers' first amendment right to support the candidates of their own choosing, as well as redressing some of the current imbalance in campaign financing. But, while supporting the idea of paycheck protection as a matter of fundamental fairness, I do not believe that it provides sufficient protection for the interests of in-state constituents. The bill, while it aims at a worthy goal, is not in my view sufficiently broad to constitute full and satisfactory campaign finance reform.

I look forward to working with the Majority Leader and my colleagues in crafting comprehensive campaign finance reform, in keeping with the principles I have laid out today.

But I would urge my colleagues not to wait for Congressional action to change their own campaign finance practices.

I for one do not for a moment believe that members of the body would change their votes or their fundamental political beliefs in pursuit of campaign dollars. Nonetheless, public confidence in our electoral system demands that we eliminate any appearance of impropriety in campaigning. This requires, in my view, that members of this body reject the argument that they cannot "unilaterally disarm" by voluntarily reforming their own conduct.

Instead of focusing exclusively on passing legislation that will supposedly save us from ourselves, I believe it is incumbent upon each of us to undertake those actions we determine to be most appropriate in addressing current perception problems. Each of us should strive to set an example of good conduct, regardless of what the campaign finance laws might permit.

If, for example, we think it is wrong to receive a disproportionate amount of our campaign contributions from outside our States, we should simply stop doing so. Similarly, if we believe that independent committees operating on our behalf, or in support of our efforts, are acting inappropriately, we should say so, clearly, publicly and without hesitation.

The real test of our convictions regarding campaign finance reform will not take place on this floor, Mr. President, but in our home states. Each of us must take action, independent of federal legislation, to mold our actions in accordance with our fundamental principles. That means, for example, that, should I decide to seek re-election, I will continue the practice I established during my first Senate campaign: I will unilaterally limit the flow of PAC and out-of-state dollars to my campaign. Should this practice put me at an electoral disadvantage, so be it. Reliance on my constituents for the bulk of my campaign financing is a principle too important to me to let go of under any circumstances.

I hope my colleagues will join me, not only in pursuing fundamental electoral reform that maintains respect for first amendment rights and strong relations between representatives and their constituents, but also in acting on these principles themselves in the immediate future. ●

TROPICAL FOREST CONSERVATION ACT OF 1998

● Mr. MOYNIHAN. Mr. President, I rise today to join my colleagues in support of the Tropical Forest Conservation Act of 1998. This important legislation addresses the perils of environmental degradation and, to a limited extent, the pressures of third world debt.

As some of the other co-sponsors of this legislation have noted, tropical forests around the globe are disappearing at an alarming rate. Economic pressures are nearly always the underlying cause. Rural populations constrained by poverty engage in destructive short-term exploitation of timber. Growing populations result in growing land use pressures, often causing large tracts of forested land to be clear cut and converted to agricultural uses. Yet in most cases, there are opportunities to redirect development toward a sustainable course.