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Senate

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

The PRESIDENT pro tempore. Today's prayer will be offered by our guest Chaplain, Dr. Jere Allen, Executive Director, District of Columbia Baptist Convention.

We are very pleased to have you with us.

PRAYER

The guest Chaplain, Dr. Jere Allen, offered the following prayer:

Let us pray.

Dear Heavenly Father, we acknowledge that Thou art the creator and sustainer of this, Thy universe, and we are called to be caretakers of all Thou hast made for an appointed time. Guide the inner control centers of these Thy servants in the Senate that they might be responsible stewards of the power of decision granted to them. Bring to their consciousness that evil rewards with temporary power and impermanent gain, but righteousness is eternally on the scaffolds and will ultimately sway the future. Move their consciousness upward toward the crystal clear purity of Thyself. Grant those who serve here the ability to hear Thy voice in the midst of a cacophony of conflicting opinions that vie for attention. Endow them with wisdom, patience, courage and peace as they make and live with decisions that affect so many. In Your holy Name we pray. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

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

Mr. HUTCHINSON. I thank the Chair.

APPRECIATION OF THE OPENING PRAYER

Mr. HUTCHINSON. Mr. President, I join my colleagues in thanking our visiting Chaplain for the opening prayer today.

SCHEDULE

Mr. HUTCHINSON. Mr. President, for the information of all Senators, today there will be a period of morning business until 10 a.m. Following morning business, the Senate will resume consideration of S. 1415, the tobacco legislation. It is hoped that Members will come to the floor to debate this important legislation and other amendments under short time agreements. Rollcall votes may occur prior to the 12:30 policy luncheons, and Members should expect those throughout today's session in order to make good progress on the tobacco bill.

I thank my colleagues for their attention.

The PRESIDENT pro tempore. The able minority leader is recognized.

(Mr. HUTCHINSON assumed the Chair.)

TOBACCO AND PUBLIC HEALTH

Mr. DASCHLE. Mr. President, the debate on tobacco legislation that we will begin again at 10 o'clock this morning is one of the most significant in which any of us will ever be involved.

Smoking is, in the words of former Surgeon General C. Everett Koop, "the chief, single avoidable cause of death in our society, and the most important public health issue of our time."

Every year, tobacco kills more than 400,000 Americans—accounting for more than one out of every five deaths in our country. Smoking kills more people than die from AIDS, alcohol, car accidents, murders, suicides and fires—combined.

So often, when we hear that someone has died as a result of smoking, we

think, "That was their choice. They were adults."

But chances are, they were not adults when they made the decision to pick up that first cigarette.

Ninety percent of adult smokers started smoking at or before the age of 18—before they were even old enough to buy cigarettes legally.

The average youth smoker starts smoking at 13, and is addicted by the time he or she is 14. One out of every three of those children will eventually die from smoking.

It may take another 20 or 30—or even 50—years until that decision catches up with them. But the decision is made when they are children.

That is what this debate is really about. Are we willing, as a nation, to protect our children from an epidemic that may eventually kill them?

During the first half of this century, another epidemic threatened America's children: polio.

Summer was a time of fear for American parents and their children. Parents kept their children out of swimming pools, movie theaters—anywhere the virus might be spread.

Still, thousands of children died every year from polio, and tens of thousands were crippled.

The worst polio epidemic in U.S. history occurred in 1952, when nearly 60,000 new cases were reported.

Back then, America marshaled all its resources and all its resolve and, in 1953, Jonas Salk discovered a vaccine.

As a result, polio has all but vanished from this nation.

We may not be able to eliminate all tobacco-related disease, as we eliminated polio. But we can dramatically reduce the number of people who pick up that first cigarette as teenagers and become addicted and eventually die from smoking.

The bill that will be pending in just a few moments provides the comprehensive approach that is needed to do that.

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



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S5031

It is supported by a majority of this Senate—Democrats and Republicans—and by the President.

More importantly, it is supported by the American people.

CIGARETTE COMPANIES TARGET KIDS

Smoking by teenagers is now at a 19-year high.

Every day, 3,000 kids become regular smokers. That's more than a million kids a year.

The increase in teen smoking is not an accident. It is the result of a deliberate and aggressive marketing campaign.

Once-secret internal industry documents make it clear that the tobacco industry targets kids—and has for more than 25 years.

The tobacco industry spends \$13 million a day—\$5 billion a year—on advertising. Many of their ads are specifically targeted to kids.

A 1981 Philip Morris internal memo makes clear why.

According to that memo, "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."

A 1984 RJ Reynolds internal memo—written just before RJR launched its "Joe Camel" campaign—is even more blunt.

"If younger adults turn away from smoking," it says, "the (tobacco) industry must decline, just as a population that does not give birth will eventually dwindle . . . Younger adult smokers are our only source of replacement smokers."

"Replacement smokers." That's how RJR sees children: as "replacements" for older smokers who quit—or die from tobacco-related disease.

If we can keep kids from smoking when they're young, chances are they will never smoke.

Tobacco companies know that. That's one reason they're spending \$50 million to try to kill this bill.

THE TOBACCO INDUSTRY IS SCARED

Another reason is because they don't want to be held accountable for the damage they knowingly caused in the past.

The tobacco industry is being sued by states across the country. States are demanding to be reimbursed for billions of dollars they have already spent treating smoking-related illnesses.

The cases aren't going well for the industry. In the last year alone, it has settled out of court with four states, rather than risk going into court and losing even more.

The \$6.6 billion the tobacco industry agreed to earlier this month to pay Minnesota is the third-largest court settlement in U.S. history. It is topped only by the \$11.3 billion it agreed to pay Florida, and the \$15.3 billion it will pay Texas.

THE TRUTH ABOUT THE TOBACCO BILL

The tobacco industry is scared. So they are spending \$50 million to try to

kill this bill. We have all heard their arguments.

First, they are trying to convince the American people that the only reason Congress wants to pass a tobacco bill is to raise mountains of money.

The truth is, 40 percent of the money that would be raised by this bill wouldn't go to the federal government at all.

It would go to state taxpayers, to reimburse them for money they've already spent treating tobacco-related illnesses.

The rest of the money would be used for three purposes: To support medical research on treating smoking-related illness and preventing smoking; to dramatically reduce teen smoking; and to help tobacco farmers make the transition to other crops.

The industry's second argument is that this bill will create a black market for cigarettes.

They point to the cigarette smuggling problems Canada experienced in the early 1990s when it raised tobacco prices.

The reality is, our bill includes tough anti-smuggling, anti-black market provisions that Canada lacked.

It is worth mentioning, I think, that a lobbyist who enlisted several law enforcement groups to warn that this bill could create a black market in cigarettes also has another employer: a leading tobacco company.

The third argument the tobacco industry makes is that our bill would drive cigarette companies into bankruptcy.

Mr. President, the tobacco industry makes \$100 billion a year.

Even if it made only \$100 million a year, it still would not be in danger of bankruptcy because, under this bill, it is smokers—not tobacco companies—who pay.

Finally, the tobacco industry wants people to believe that we're on a slippery slope; that today, tobacco is the whipping boy, but next it will be alcohol or some other product.

This argument ignores one crucial distinction: tobacco is the only legal product sold in the United States that will kill you when used as intended.

Mr. President, the companies that are making these claims are the same companies whose CEOs raised their hands and swore before Congress that cigarettes are not addictive.

They were blowing smoke then, and they are blowing smoke now.

As I said, this is a historic opportunity. If we fail to grasp it, our Nation will pay a terrible price. Unless we reverse current trends, 5 million children who are under the age of 18 today will die from smoking-related illnesses.

Have you ever known anyone who has died from cancer or emphysema or some other tobacco-related disease?

It's torture—on them, and for the people who love them. Unless we act now to reverse current trends, Americans will spend \$1 trillion over the next 20 years—\$1 trillion, a thousand-billion

dollars—to treat smoking-related illnesses.

This bill would raise \$516 billion over 25 years, \$516 billion over 25 years to save \$1 trillion over 20 years—and 5 million children. Mr. President, that sounds like a pretty good deal to me.

Several years ago, internal documents that the tobacco industry had for years kept secret—that the industry had for years denied even existed—began to trickle out. After a while, the trickle became a flood. As a result of these documents, we now know cigarette manufacturers have known for decades that tobacco is addictive.

We now know that cigarettes kill people directly, and they are a contributing cause of illnesses from heart disease to sudden infant death syndrome. We now know that tobacco companies manipulate the level of nicotine in cigarettes to hook smokers. We now know that the industry aggressively targets children. We now know that the price of cigarettes influences kids' decision to smoke. We know that's true. But we also know it's not enough.

The only way we are going to break the deadly cycle of teen smoking and addiction and death is with a comprehensive bill that includes price hikes, plus strong counter-advertising efforts and effective retail licensing, and sets goals for reducing teen smoking and sanctions against tobacco companies for failure to attain them. That is what this bill contains. If we can improve it, we should. And then we should pass this bill, and urge the House to pass it as well.

Teen smoking is an epidemic. If this Congress can't protect children from a deadly health threat, what in the world can we do?

In 1973, a senior RJ Reynolds employee wrote a memo entitled "research planning memorandum on some thoughts about new brands of cigarettes for the youth market." In that memo, he argued—and I quote—"there is certainly nothing immoral or unethical about our company attempting to attract (teen) smokers to our products."

Mr. President, most Americans disagree with that assertion. Most Americans believe that aggressively marketing to children a product you know could eventually kill them is both immoral and unethical. And, they believe it ought to be illegal.

As the industry's own documents reveal, most adult smokers start smoking as teenagers. Victor Crawford was one of those kids.

He started smoking when he was 13 years old. He died 50 years later, after the cancer that was caused by smoking had spread from his throat to his pelvis, lungs and liver. As an adult Victor Crawford served 16 years as a member of Maryland's House of Delegates and its state Senate. He was a colorful and effective politician. He was also a 2½ pack-a-day smoker. In 1986, Victor Crawford left politics and went to work in Maryland's state capital into the

work of lobbying. One of his clients was the Tobacco Institute, the propaganda arm of the tobacco industry. The Tobacco Institute paid him \$200 an hour to help kill whatever tobacco restrictions came before the Maryland General Assembly.

Six years later, in 1992, he was diagnosed with throat cancer. His doctors told him he had three months to live. But, with the help of new and experimental treatments, he managed to hang on for three years.

Victor Crawford used those last three years of his life to prevent other young people from making the same mistake he had made when he picked up that first cigarette at 13.

A first reluctantly, then passionately, he spoke about the pain of his illness, and his remorse over having contributed, through his work, to the suffering of others.

He described his former employers, the tobacco industry, as "hard-nosed, brilliant and ruthless. I can also state without question," he said, "that the profit motive is supreme, and that there is no avenue they will not explore and no means they will not use to that end."

He told his story to state legislatures, on "60 Minutes," in Ann Landers' column—wherever he thought it would get through.

A year and a half before he died, he returned to the Maryland Statehouse—to the place where he had worked as a legislator and lobbyist. Only this time he as a witness, testifying in support of a law regulating public smoking. He wore a wig to hid the baldness caused by chemotherapy, and he was terribly gaunt. But everyone who heard him was deeply moved.

Said on of his former colleagues after his testimony, "Yours was the voice of truth."

Mr. President, Victor Crawford's voice—and the voice of America's children—are calling to us today.

They are asking us to protect them from addiction.

They are asking us to protect them from painful and premature death.

Are we listening?

It is time for Congress to pass a national bill to reduce teen smoking and to tell the cigarette manufacturers, "Our children are not 'replacement smokers,' and you cannot prey on them anymore."

I yield the floor.

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 therein for up to 5 minutes each.

The Senator from Iowa.

Mr. HARKIN. Mr. President, I understand we are in morning business?

The PRESIDING OFFICER. The Senator is correct.

TROUBLING NEW DEVELOPMENTS IN SOUTH ASIA

Mr. HARKIN. Mr. President, I wanted to take just a little bit of time this morning to again alert Senators and others about troubling new developments in South Asia after India thumbed its nose at the world community and exploded five underground nuclear weapons. Conditions seem to be spiraling out of control in the nation of India. We now see that a key Indian official, according to the news this morning, a key Indian official is warning Pakistan and making very threatening, provocative statements, about the area that we know as Jammu-Kashmir. Indian Home Minister Advani—there is a picture of him here clenching his fist, saying they were, basically, not going to have a peaceful resolution at all of the situation in Kashmir. I am quoting from the article:

While India's previous government had a policy of not making hostile statements about Pakistan, the BJP [that is the party that is now in power in India] as recently as two years ago advocated "reclaiming" Pakistan's portion of Kashmir.

It is interesting that:

In the course [it says here] of broadening its platforms for this year's parliamentary elections—and cobbling together a coalition government of 14 disparate parties—such references to Kashmir were dropped. But Advani [the Home Minister] was pointed in his reference today to the disputed state, although he couched it more in terms of Pakistan's stance toward Kashmir than India's.

But now Advani said, and I quote from the article:

[Nuclear weapons tests] has brought about a qualitatively new stage in Indo-Pakistan relations and signifies—even while adhering to the principle of no first strike—[that] India is resolved to deal firmly with Pakistan's hostile activities in Kashmir.

Wait a minute, Mr. President. He is talking about Pakistan's hostile activities in Kashmir? It is India that has around 300,000 troops in Kashmir. It is India that is spending about a large portion of its military budget every year in Kashmir. It is by Indian troops that human rights groups have said that in the last several years, perhaps in the last 10 years, upwards of 13,000 people have been killed in Kashmir—not by Pakistani troops, but by Indian troops.

What this Home Minister Advani is doing is trying to cover what India has done in Kashmir by blaming it on Pakistan.

Quite frankly, Kashmir is the East Timor of South Asia, to those of us who have followed the problems of East Timor, a tiny little island nation on the eastern tip of Indonesia. It was a Portuguese colony for several hundred years. When the Portuguese left, the Indonesians came in to claim East Timor, but they have no rightful claim to it; it is a separate island nation.

Since that time, East Timorese have been put to death by the Indonesians, slaughtered, people driven out of their homes, driven out of their jobs. What has happened in East Timor is a blight

on Indonesia, and the world community has spoken out forcefully against what Indonesia has done in East Timor. But the world community is standing silently by while the same kind of slaughter and repression is occurring in the tiny state of Kashmir.

If you go back to when India and Pakistan were partitioned off, this tiny area up in northwest India on the border of Pakistan and India, the United Nations recognized in the late 1940s that this issue needed to be resolved, and urged for it to be resolved through a plebiscite, to have a vote of the people in this area: Did they want to stay with Pakistan, or did they want to go with India?

But India refuses outside mediation, even from the UN. I had always hoped, as many have hoped, that we would have some kind of a peaceful resolution of Kashmir. But now India is shaking its fist at Pakistan and speaking provocatively of reclaiming certain areas of Kashmir that have already been recognized as being at least an adjunct to, adhering to Pakistan, an area called Azad Kashmir.

Mr. President, I don't think we can idly stand by and let India continue these kinds of provocative measures. The world community must speak with one voice in condemning the actions by India with strong sanctions. I will have a sense-of-the-Senate resolution, which I hope we can bring up sometime this week in conjunction with others, dealing with the Indian explosion of nuclear weapons and dealing with the Pressler amendment that Senator BROWBACK and I will be offering sometime this week, I hope.

I have a sense-of-the-Senate resolution calling upon the United States to take the lead in getting other nations together to act as an intermediary in the dispute on Kashmir. Better that we act now, better that we try to seek peaceful resolutions of Kashmir before this whole thing blows up, before the BJP of India is able to take it to a higher level, a more provocative level that would involve the use of arms.

I hope we can get the support of other Senators in asking the United States to act as a mediator to this very dangerous situation that now exists in Kashmir and South Asia.

I thank the President. I yield the floor.

Mr. GRAMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. GRAMS. Mr. President, I am on the floor this morning to introduce a bill called the Emergency Medical Services Efficiency Act. My statement is going to take about 10 or 15 minutes. I ask unanimous consent that I be allowed to have up to 15 minutes, even though I know it is going to run into the time of 10 o'clock.

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

Mr. GRAMS. Thank you very much.

(The remarks of Mr. GRAMS pertaining to the introduction of S. 2091 are