

stand in adjournment until 9:30 a.m. on Wednesday, May 20.

I further ask that, on Wednesday, immediately following the prayer, the routine requests through the morning hour be granted and the Senate resume consideration of the pending amendments to the tobacco legislation.

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

PROGRAM

Mr. MCCAIN. Mr. President, a motion to table the Kennedy amendment and the Ashcroft amendment is expected to occur by midmorning. In addition, several other amendments are expected to be offered. Therefore, votes can be expected throughout the day and into the evening on Wednesday.

ORDER FOR ADJOURNMENT

Mr. MCCAIN. If there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order, following the remarks of Senator KENNEDY.

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

The Senator from Massachusetts is recognized.

NATIONAL TOBACCO POLICY AND YOUTH SMOKING REDUCTION ACT

The Senate continued with the consideration of the bill.

Mr. KENNEDY. Mr. President, I join all of my colleagues in thanking our friend and colleague and chairman of our task force, Senator CONRAD, for the enormously informative presentation that was made in support of our proposal before the Senate now, which is to raise the cost of a pack of cigarettes by \$1.50.

I thank my colleague and friend, Senator KERRY, for his comments and for all the work he has done, as well, in bringing us to where we are in this legislative session, so that we are having an opportunity to debate these issues on the floor of the Senate and having an opportunity to express a judgment about these matters this afternoon, again tomorrow, and the remainder of this week.

This is enormously important. Perhaps, in many respects, it is the most important measure that we will have before the Senate in this term—certainly one of the most important public health issues that we will have before the Senate. I think it is important that the American people give focus and attention to this issue and, in particular, to the amendments we are now discussing and debating on the increase of the per pack cost of cigarettes.

I also mention our colleague and friend, the chairman of the committee, Senator MCCAIN. I, too, want to join in expressing appreciation for the fact that we had the opportunity to get to

this legislation through his leadership. Now we have an opportunity to strengthen and improve it. We are grateful for his leadership.

Mr. President, I want to just take a few moments to respond to the issue that Senator MCCAIN spoke to when we were making the presentation about the importance of increasing the price per pack by \$1.50. Senator MCCAIN at that time talked about, what is magical about \$1.50? What is really the difference between that and \$2 or \$2.50 or \$3?

Mr. President, I think it is important to understand why we do have the \$1.50. It is, as I mentioned earlier, and as Senator LAUTENBERG and Senator CONRAD have pointed out, the recommended figure by not just the majority, but the entirety of the public health community, to be essential if we are going to have some impact in reducing cigarette smoking by teenagers in this country and also to achieve the goal that was established by the attorneys general in their own proposal. They established a 10-year goal of 60 percent. That was in the initial proposal made by the attorneys general—the 60 percent.

In our Committee on Labor and Human Resources, which had the consideration of this legislation for a short period of time—we had the jurisdiction because of the responsibility that the committee has regarding the Food and Drug Administration, and we had a markup on the legislation—we had a majority of the members who said, “We don’t want to see a reduction of 60 percent, we want a reduction of 80 percent.” If we are going to accept that, then we have to find out how we are going to get and reach that particular goal. That is really the fundamental issue. It doesn’t do much good to say we are going to set a goal of 30, 40, 50, or 60 percent and then not take the steps to be able to achieve it.

The attorneys general went with 60 percent. The goal established out of the Commerce Committee was 60 percent. So it is fair enough to ask ourselves, will we reach that goal of 60 percent with the proposal of the Commerce Committee? And what we are saying is that we will not. You won’t reach that with \$1.10. You will get maybe into a 34, 36 percent reduction, but you are not going to get the 60 percent reduction, which has been the goal—and I think a worthwhile goal—to see that 60 percent of the young people in this country are going to stop smoking over a period of 10 years. We will be able to reach that with \$1.50. I will come back and explain that in greater detail in a few moments. We will be able to reach that and give the authority for that.

The chairman of the Commerce Committee says we will get there, and if we don’t get there on the front end, we will get there on the back end by the requirements we have on the look-back provisions. But I think it is fair to say that with the look-back provisions, and the capping of the payments on the

look-back provisions of some \$4 billion, that the best estimate, even if you are going to have the violations of the look-back provisions, you are only talking about perhaps 15 or 20 cents more per pack.

So you get up to maybe \$1.30 or \$1.35. But you still are not getting to where the health economists and professionals say you have to get in order to have the significant reduction.

That is really the issue that is before the Senate. That is the question that we are going to decide on tomorrow.

What is the justification for not taking the recommendations of the public health community? What is possibly the reason for not doing so? There are those who can say, “Well, if you do so you are going to pay for the industry itself.” Senator CONRAD just responded to that.

I come back to the excellent testimony we had before the Judiciary Committee and before the task force that responds to that which estimates that even with \$1.50 as Jeffrey Harris, who is probably the most thoughtful and competent unbiased health economist who has studied this for the longest period of time, has estimated that even with an increase of \$1.50, that by the year 2003 the profits for the industry will be in excess of \$5 billion just on the domestic sales of product here in the United States, a very, very generous profit for this industry—a generous profit for the industry even at \$1.50.

What is possibly the reason not to support the recommendation of the public health community which says we ought to go to \$1.50 a pack if we are serious about stopping young people from smoking?

That is overwhelming testimony. That is overwhelming presentation. It is overwhelming evidence. It has not been rebutted. It won’t be rebutted. It hasn’t been rebutted tonight. It won’t be rebutted tomorrow. And it has not been rebutted by any of the publications, including the tobacco industry itself. It has not been rebutted.

We will come back to what the tobacco industry has been doing. So this is the issue. Why wouldn’t we want to do it? What is going to be the argument against it? I don’t find the arguments very persuasive. I do not hear them. It is just, “Well, we have a better way of doing it.” But we are taking a very significant chance. Why do that when we have such overwhelming and powerful evidence this amendment can make a significant difference, and based upon the human tragedy that is taking place among our teenagers every single day across this country? It isn’t a problem that is becoming less important. It is becoming more important. It isn’t an issue that is resolving itself. It is becoming more acute. That is the question that we can ask.

We in this body tomorrow can take a major step in improving the quality of life for young people in this country for years ahead. The overwhelming majority of the American people are for it.