

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KENNEDY. 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 President, I ask unanimous consent that the order for the quorum call be rescinded.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 TOBACCO POLICY AND YOUTH SMOKING REDUCTION ACT

The Senate continued with the consideration of the bill.

Mr. KENNEDY. Mr. President, the Senate debate on this landmark youth smoking reduction bill began more than two weeks ago. The time for debate on this legislation is rapidly drawing to a close. Each of us has had ample opportunity to state our views. The Senate should commit to a vote on final passage within a week. We owe it to our children who are being entrapped into a life of addiction and premature death by the tobacco industry every day.

The opponents of this legislation have used every parliamentary tool at their disposal to extend the debate and to divert attention to unrelated issues. They want to talk about every subject but the impact of smoking on the nation's health. However, the real issue cannot be obscured by their verbal smokescreen. It is time for us to move from talking to voting.

Each day that the opponents delay final Senate passage of this bill, 3,000 more children begin to smoke. A third of these children will die prematurely from lung cancer, emphysema, heart disease, or other smoking-caused illnesses.

Each day that we delay, the price of a pack of cigarettes will continue to be affordable to the nation's children, and more and more of them will take up this deadly habit.

Each day that we delay, Big Tobacco will continue to target children with billions of dollars in advertising and promotional giveaways that promise popularity, excitement, and success for young men and women who start smoking.

Each day that we delay, millions of nonsmokers will be exposed to second-hand smoke. According to the Environmental Protection Agency, secondhand smoke causes 3,000 to 5,000 lung cancer deaths each year in the United States—more than all other regulated hazardous air pollutants combined. Secondhand smoke is also responsible for as many as 60 percent of cases of asthma, bronchitis, and wheezing among young children.

Each day that we delay, tobacco will remain virtually the only product manufactured for human consumption that is not subject to Federal health and safety regulations, despite the fact that it causes over 400,000 deaths a year. In fact, Kraft Cheese is more heavily regulated than Marlboro cigarettes, although both are manufactured by Philip Morris.

With so much at stake for so many of our children, it is truly irresponsible for the opponents of this legislation to practice the politics of obstruction. Let the Senate vote.

There are two pending amendments before us today—the Gramm amendment on the marriage penalty and the Durbin-DeWine amendment on the youth smoking reduction lookback. I would like to address each of them in turn.

The pending amendment by the Senator from Texas seeks to divert \$52 billion over the next 5 years away from smoking prevention, away from smoking cessation, away from medical research, and away from reimbursing states. He proposes to take 80 percent of all the money raised by the cigarette price increase and use it for unrelated tax cuts. No funds would be left for programs which are essential to reducing youth smoking and to helping current smokers quit.

By offering such an amendment, the Senator from Texas shows his true intent. It is he who wants to convert this legislation from a youth smoking prevention bill into a piggybank for unrelated projects. Although he has complained that the tobacco bill is a piggybank that Democrats are using to fund new programs, in fact it is the Gramm amendment which would hog 80 percent of the money taking resources which are needed to prevent young Americans from beginning to smoke and to help current smokers overcome their addiction. These numbers speak for themselves. This tax cut was not designed to help working families—it was intended to destroy the underlying smoking prevention legislation.

The criticism of the Gramm amendment has been so strong and so widespread that even the sponsor has agreed to reduce the size of the proposed moneygrab. Under his new proposal, he only wants to take one-third of the revenue generated in the first 5 years and one-half of the money in succeeding years. That would amount to approximately \$60 billion over a 10-year period. It would still cripple the smoking prevention and cessation efforts which are essential to effectively reducing youth smoking.

All of the money raised by the cigarette price increase contained in the legislation is currently earmarked for smoking related purposes: 22 percent is directed to smoking prevention and cessation, 22 percent is to be used for medical research, 16 percent is for transitional assistance for tobacco farmers, and 40 percent is to compensate states for the cost of medical treatment of smoking related illnesses. There it is, Mr. President.

Which of these smoking related initiatives would the Senator from Texas eliminate? Does he propose to eliminate all compensation to the States for their tobacco related health costs? After all, it was the State lawsuits which provided the genesis for this legislation and which exposed the most

dramatic evidence of industry wrongdoing. That would not be fair. Even if every dollar intended for the States was taken to fund the Gramm amendment, it would not be enough to cover the cost.

Does he propose to eliminate all transition assistance for tobacco farmers and communities? It would not even cover one-third of the cost of the Gramm amendment.

All of the remaining dollars are directed to smoking prevention, to smoking cessation, and to medical research. These initiatives are the heart of the legislation. If we are serious about stopping children from smoking and saving lives from tobacco-induced diseases, we have to make these investments. Would the Senator from Texas propose that we take money from these programs and use it to fund an unrelated tax cut instead? How can we in good conscience raise the price of cigarettes and then refuse to fund programs which will address the evils of smoking? These programs work. Let me give you a few examples:

Every dollar invested in a smoking cessation program for a pregnant woman saves \$6 in costs for neonatal intensive care and long-term care for low-birthweight babies. The effect of the Gramm amendment would be to reduce funds for these programs, and that makes no sense.

The Gramm amendment would take funds intended to assist states and communities to conduct educational programs on the health dangers of smoking. The tobacco industry spends \$5 billion a year—\$5 billion—on advertising to encourage young people to smoke. Shouldn't we spend at least one tenth of that amount to counteract the industry's lethal message?

Counteradvertising is a key element of an effective tobacco control strategy. We know that if children are easily swayed by the tobacco industry's marketing campaigns, which promise popularity, excitement, and success for those who take up smoking, we can reverse the damage by de glamorizing the use of tobacco among children with counteradvertising.

Both Massachusetts and California have demonstrated that paid counteradvertising can cut smoking rates. It helped reduce cigarette use in Massachusetts by 17 percent between 1992 and 1996, or three times the national average. Smoking by junior high students dropped 8 percent, while the rest of the nation has seen an increase. In California, a counteradvertising campaign also reduced smoking rates by 15 percent over the last 3 years.

The Gramm amendment also would take money from law enforcement efforts to prevent the sale of tobacco products to minors, even though young people currently spend \$1 billion a year to buy tobacco products illegally.

The Gramm amendment will diminish funding for medical research on tobacco-related diseases, which kill 400,000 Americans each year and incapacitates millions more. Given the

damage that smoking inflicts on the nation's public health, it make little sense to divert tobacco revenues to tax cuts when they could be directed to finding a cure for cancer and other tobacco-induced illnesses. Since tobacco induced disease costs America \$130 billion per year, it certainly is not cost effective to reduce research spending.

In essence, the Gramm amendment would destroy much of the public health benefit this legislation is designed to achieve. It would be a tragic mistake.

The goal of eliminating the marriage penalty for low and moderate income families is a worthy one. It is shared on both sides of the aisle. However, it must be accomplished in a way that does not imperil our primary goal—preventing youth smoking and helping smokers overcome their addiction.

I anticipate that an alternative amendment will be offered which will provide relief from the marriage penalty without imperiling our smoking prevention efforts. It will cost far less than the Gramm amendment, and it will do a much better job of targeting tax relief to those most in need.

That is the difference between preserving a viable youth smoking reduction effort and destroying it. That is the difference between helping millions of smokers quit and leaving them at the mercy of their addiction. That is the difference between advancing medical research that can cure tobacco induced diseases and indefinitely delaying it.

The second issue I want to address is the Durbin-DeWine look-back amendment. It will assess increased sums for noncompliance with the youth smoking reduction targets. In addition, the emphasis will be shifted from industry-wide assessments to company-by-company assessments, in order to more effectively deter individual tobacco companies from marketing their products to children.

Big Tobacco knows how to hook children into a lifetime of nicotine addiction and smoking-related illnesses—whether appealing through characters like Joe Camel and the Marlboro Man, through the prominent placement of tobacco advertising, or through a strategic cut in cigarette prices. And Big Tobacco also knows how to stop appealing to children.

The purpose of the look-back is to give tobacco companies an overwhelming financial incentive to turn their focus away from the youth market. Our goal is to influence every business decision by taking the profit away from addicting teenagers.

The Durbin-DeWine amendment will accomplish that goal much more effectively than the current look-back provisions in the manager's amendment. It will substantially increase the total amount of the surcharges which companies must pay if youth smoking levels do not decline in accordance with the reduction targets. It also shifts the payment obligations from a predomi-

nately industrywide system to a predominately company-specific system. This will dramatically increase the deterrent influence of the look-back on company policy.

The current McCain provision provides for a maximum industrywide penalty of \$4 billion, or about 20 cents a pack. The company-specific portion is extremely small, amounting to only a few pennies per pack. The Durbin-DeWine amendment provides for substantial company-specific penalties, which in the aggregate could reach \$5 billion per year if companies continue to flaunt the law and blatantly target children. The amendment also provides for an industrywide surcharge of up to \$2 billion a year.

Through this important amendment we are speaking to the tobacco companies in the only language they understand—money. If they continue to target children, these companies will pay a financial price far in excess of the profits raised from addicting children.

But if they are willing to cooperate in efforts to prevent teenage smoking, the companies may never have to pay a dollar of look-back surcharges. A strong, company-specific look-back, such as the one we are proposing, will give the tobacco companies a powerful financial incentive to use their skill in market manipulation to further, rather than undermine, the public interest in reducing youth smoking.

Each tobacco company must be held accountable for its actions on teenage smoking. The stakes involved are nothing less than the health of the Nation's children. For each percentage point that the tobacco industry misses the target, 55,000 children will begin to smoke. One-third of these children will die prematurely from smoking-induced diseases.

This bipartisan amendment deserves the support of the full Senate, and I urge my colleagues to adopt it.

These two issues—the marriage penalty and the look-back—should be resolved quickly. Once they are decided, there is little excuse for further delay. The remaining amendments can be considered in a few days if we move conscientiously forward. There is no valid reason why the Senate cannot vote on final passage by the middle of next week. If we do not, the American people will know why. A small group of willful defenders of the tobacco industry will have succeeded in obstructing the work of the Senate on this vital issue of public health. On an issue of this importance, which is literally a matter of life and death, our constituents will not tolerate such obstruction. Now is the time for the Senate to act.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. COATS). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOMENICI. 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. DOMENICI. Mr. President, I ask unanimous consent that I be permitted to proceed as in morning business for up to 7 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator is recognized to proceed as in morning business.

Mr. DOMENICI. I thank the Chair. (The remarks of Mr. DOMENICI pertaining to the introduction of S. 2133 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

TRIBUTE TO SENATOR BARRY GOLDWATER

Mr. DOMENICI. Mr. President, I want to just take a couple minutes to express my respects for Senator Barry Goldwater. I was unable to attend the services yesterday with Senators. I was just getting over a very bad chest cold, and I decided that I would try to recoup a little here. I wish I could have been there.

Senator Goldwater was obviously an unflinching patriot whose life, in many ways, mirrored the American experience. He was rugged, independent, and unarguably his own man.

I am deeply saddened by his passing. When I first arrived as a freshman Senator, Senator Goldwater offered me encouragement, and when I became budget chairman, provided inspiration when I first tackled the tough budget issues we faced in the early 1980s.

He was a dedicated American and Senator, always willing to fight the tough battles. I was better for his fine support and his wise counsel.

Barry Goldwater cared deeply about America. He believed that our Nation must always remain strong and that Government should stay off the backs of our people and not stifle their innovative spirit. As an American, he never shied away from honestly stating his beliefs; and as a politician, he led by example, not by polls.

He will be greatly missed. And Nancy and I send our sympathies and prayers to his family.

U.S. Senator Barry Morris Goldwater, born in Phoenix AZ., Jan. 1, 1909, was elected to the Senate from Arizona in 1952, and later was defeated in his bid for the Presidency in 1964 by Lyndon Johnson. Senator Goldwater served in the Senate until retirement in 1987.

I served with Senator Goldwater. He took me under his wing when I first arrived in the Senate, and he was a good counsel.

The first year I was the chairman of the Budget Committee was 1981.

After the Senate finished the budget bill Senator Goldwater sent me a letter that I would like to have printed in the RECORD.

He would dictate these notes himself and they sound just like him.

He was an inspiration to us all and a very, very fine man. He will be missed.