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Senate

(Legislative day of Tuesday, June 2, 1998)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Today's prayer will be offered by guest Chaplain, Reverend Shirley Caesar, Pastor of Mount Calvary Word of Faith Church, Raleigh, NC.

We are pleased to have you with us.

PRAYER

Let us pray:

Father, You have declared in Your word that, ''Blessed is the nation whose God is the Lord.''—Psalms 33:12. So, Lord, we realize that You are the only Supreme and Sovereign God, and we thank You for the blessing of living in a nation that is predicated upon a strong, Godly heritage. May we ever be cognizant of the fact that it is Your grace and Your mercy that have blessed our Nation to become a symbol of freedom, prosperity, and justice.

We are admonished in the Book of Romans that, ''the authorities that be are ordained of God.''—Romans 13:1. Therefore, Lord, we thank You for this governing body of the United States of America, we thank You, Lord, the men and women You have chosen to help lead our Nation. Father, we pray and intercede for the Senators who have convened here today, seeking Your guidance and will for our country. We pray in the name of the Lord that You will release a spirit of harmony throughout this session. Grant them Godly wisdom, knowledge, understanding, discretion, and courage. Cause their wills to concede to Your will. Let Your vision become their vision and Your desires their desires. By doing so, Lord, we are assured that our Nation will continue to live out and fulfill the true meaning of its calling.

We ask these blessings in the Name of our Lord. Amen, and Amen.

Mr. HELMS addressed the Chair.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able senior Senator from North Carolina is recognized.

Mr. HELMS. I thank the Chair.

THE GUEST CHAPLAIN'S PRAYER

Mr. HELMS. Mr. President, it was about four months ago that I called the Senate's distinguished chaplain and suggested that he might consider inviting Rev. Shirley Caesar of Raleigh, North Carolina, to serve as the U.S. Senate's guest chaplain on some mutually convenient occasion.

I recall Dr. Ogilvie's response—a friendly suggestion that I tell him about Pastor Caesar. I replied that I would do better than that—and I did, by sending Dr. Ogilvie a copy of a lengthy article published by the Washington Post on February 22.

In a moment, Mr. President, I shall ask unanimous consent that portions of that article be printed in the RECORD at the conclusion of my remarks.

But before I do that, let me summarize the fascinating Christian witness of Rev. Shirley Caesar, pastor of Mount Calvary Word of Faith Church in my hometown of Raleigh, N.C.

The Washington Post described Pastor Caesar this way:

On weekdays, (Pastor) Caesar, with a record number of nine gospel Grammys—hits the road to share her voice with those who come to hear her music and witness her presence as a legendary performer on stages across America. But on Sundays she returns to a plain maple pulpit in a simple whitewashed church—comes home, not far from where she was born, to her husband of 15 years, Bishop Harold Ivory Williams, and preaches, ministers to everyday problems, and hears the refrains.

Mr. President, I have selected several paragraphs from the Washington Post story of February 22, 1998, and shortly ask unanimous consent that this information be published in the RECORD at the conclusion of my remarks.

But before I make that formal request, let me extend my personal welcome to the Senate's remarkable guest chaplain for this day. I am proud of her and at the first opportunity, Dot Helms and I intend to worship one Sunday morning with Reverend Caesar.

Now, Mr. President, I make the formal unanimous consent request that I mentioned a minute or so ago.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXCERPTS OF WASHINGTON POST ARTICLE ABOUT REV. CAESAR

Small in stature and verging on 60, she is almost dwarfed by the pulpit. So she moves out, microphone in hand, her stylish pumps gleaming signals that the spirit is lifting this room of 400 people who pray, jump to their feet and sweat with their pastor.

She embraces a niece who has survived a bout with drugs.

''The things she used to do, she don't do no more,'' Caesar says. Sounds like the beginnings of a song to lift up. A black handkerchief wipes her brow.

''I want to be ready,'' she says. ''I don't want Him to come here and find me getting ready,'' she says. She is ready to rise.

She says of her calling, ''I don't want it to be said, I wonder where Shirley Caesar is, I wonder if she is still singing. I am. I believe that singing and preaching go together like ham and eggs. So I just praise God that I am still here.''

Meanwhile, for 40 years, first with the famous Caravans, then as a solo performer, Caesar has been one of the most energetic and popular performers in the music

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

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business. In the gospel world, she is the bridge between pioneers like Mahalia Jackson and Clara Ward; she rode the tidal wave of Edwin Hawkins and James Cleveland and now shares a national spotlight with the Young Turks of gospel, Vickie Winans and Kirk Franklin.

Like Ella Fitzgerald, she puts her stamp on songs, and they never sound the same again—from works by such gospel masters as Thomas A. Dorsey to religious verses by Bob Dylan. She performs songs, many of which she writes, that are highly personal—they reveal complicated lives lived by people who may not have money, love or opportunity but who do have faith.

In many of her songs, Caesar starts with a vignette of crisis, sometimes with just the piano or organ in back of her.

''Have you ever walked the floor/all night long/wondering how you were going to pay your bills?'' she sings at the beginning of the wonderful ''You're Next in Line for a Miracle.''

She repeats the lyrics, her raw voice demanding emotional response.

''Get ready for your miracle/Move to the front of the line/Today is your day . . . get ready, get ready, you are next in line for a miracle—a miracle!''

The orchestration expands and the choir sings the refrain above Caesar's ''Hallelujahs.'' On Wednesday, ''A Miracle in Harlem,'' nominated for best traditional soul gospel album, might win her a 10th Grammy. (She has also been nominated more times than any other gospel artist.) From the religious music community, she has won 15 Dove Awards and 10 Stellar Awards.

Not confined to music arenas and churches, Caesar has done four Broadway shows and contributed to the movie soundtracks of ''The Preacher's Wife'' and ''Rosewood.'' In the spring, she's scheduled to make a guest appearance on UPN's ''Good News,'' and her autobiography is scheduled for publication in May. When Dylan was chosen as a Kennedy Center honoree last year, he asked that Caesar sing his ''Gotta Serve Somebody.'' Caesar likes the fact that the salute portion of the night ended as she shouted ''Jesus!''

SCHEDULE

Mr. HELMS. Mr. President, today the Senate will resume consideration of S. 1415, the tobacco legislation. There are several amendments still pending to the bill, and it is hoped those issues can be disposed of at an early hour so that the Senate can consider additional amendments to the tobacco bill.

Rollcall votes, therefore, are expected throughout today's session of the Senate. As a reminder to all Members, there are a number of items that the Senate may also resume, or begin, or both, including the Department of Defense authorization bill, the conference reports as they may become available, and any appropriations bills that are ready for action. As always, other executive or legislative matters may be considered as they are cleared.

On behalf of the majority leader, I thank my colleagues for their attention.

Mr. President, I ask unanimous consent that with respect to the tobacco legislation the debate be in order only until 10:30 this morning.

The PRESIDING OFFICER (Mr. SANTORUM). Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

Ms. COLLINS. Mr. President, I ask unanimous consent that I be permitted to proceed as if in morning business for approximately 5 minutes.

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

The Senator from Maine is recognized.

Ms. COLLINS. I thank the Chair.

RACE FOR THE CURE

Ms. COLLINS. Mr. President, in the short time that I will take to deliver these remarks, a woman will be diagnosed with breast cancer. And every 12 minutes, a woman will die from it.

Just this past year, breast cancer has touched my life twice: one member of staff, aged 37, and the spouse of another member of my staff both developed breast cancer. Watching these women in their daily struggles has been a heart-wrenching experience as well as a call to action.

I know that several of my colleagues' lives have also been personally touched by breast cancer. The senior Senator from Maine, OLYMPIA SNOWE, lost her mother to breast cancer at a tragically young age. Throughout her career in Congress, Senator SNOWE has been a tireless advocate for breast cancer awareness and increased funding for research. Her leadership on this issue has been invaluable—even lifesaving—for countless women across the country.

Breast cancer is the most frequently diagnosed cancer in women in the United States. However, when breast cancer is detected early and treated promptly, suffering and the loss of life can be significantly reduced.

Approximately one out of every eight women will develop breast cancer during her lifetime. In 1998 alone, an estimated 180,200 women will be diagnosed with breast cancer. Even more disturbing, breast cancer is the leading cause of death among women aged 35 to 54.

Washingtonians will have the opportunity to call attention to breast cancer and raise much-needed research dollars when the Susan G. Komen Breast Cancer Foundation hosts its 9th annual National Race for the Cure on Saturday, June 6.

Those of us who work on Capitol Hill have an added opportunity to contribute to the cure for breast cancer thanks to a challenge grant from Eli Lilly and Company. The third annual Lilly Capitol Hill Challenge will match the registration fees for all members of Congress, their spouses, and staff who participate in the National Race for the Cure. Since 1996, Lilly and Capitol Hill have raised $200,000 for breast cancer prevention, research, and treatment—75% of which stays in the DC metropolitan area.

Two weeks ago, all the women in the Senate joined me in circulating a ''Dear Colleague'' letter encouraging Members of Congress and staff to take advantage of Lilly's generous offer and register for this year's race. And I would like to let my colleagues know that it is not too late to participate. Late registrations are being accepted up until Friday evening at 6:30 in the lobby of the Department of Commerce.

Today, I rise to the floor to once again encourage my colleagues to alert members of their staff, their families and friends to this valuable opportunity to support the Komen Foundation and Race for the Cure on June 6th.

Thank you, Mr. President. I yield the floor.

NATIONAL TOBACCO POLICY AND YOUTH SMOKING REDUCTION ACT

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 1415, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1415) to reform and restructure the processes by which tobacco products are manufactured, marketed, and distributed, to prevent the use of tobacco products by minors, to redress the adverse health effects of tobacco use, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Gregg/Leahy amendment No. 2433 (to amendment No. 2420), to modify the provisions relating to civil liability for tobacco manufacturers.

Gregg/Leahy amendment No. 2434 (to amendment No. 2433), in the nature of a substitute.

Gramm motion to recommit the bill to the Committee on Finance and with instructions to report back forthwith, with amendment No. 2436, to modify the provisions relating to civil liability for tobacco manufacturers, and to eliminate the marriage penalty reflected in the standard deduction and to ensure the earned income credit takes into account the elimination of such penalty.

Daschle (for Durbin) amendment No. 2437 (to amendment No. 2436), relating to reductions in underaged tobacco usage.

Daschle (for Durbin) amendment No. 2438 (to amendment No. 2437), of a perfecting nature.

Mr. FRIST. Mr. President, over the course of today we will continue our discussions and debate on the pending tobacco legislation, a topic that has been the focus of much of our activity over the past several weeks, a focus which I hope will become increasingly addressed over this week. I ask that amendments that are talked about being introduced are actually brought

to the floor so that they can be debated. We have legislation in the Chamber that has a fascinating history, legislation that continues to evolve, legislation that I believe is very important as we stay focused on that goal of decreasing, and maybe even someday eliminating, youth smoking.

I am concerned that we have gotten off track in our consideration of what I believe has to be comprehensive tobacco legislation. There are some people who would just like to establish a tax and have funds to go possibly to public health, but also to many other issues totally unrelated to what our focus should be, and that is youth smoking. There are others who say we need to address just the advertising aspects of this particular bill. There are others who say that we look at just vending machines; and there are others who say we can solve this whole problem by looking at just the public health initiatives of behavioral change, of figuring out what causes addiction.

I for one believe we need to address all of these issues, and we run the danger, maybe for political reasons, maybe for selfish reasons, of taking a bill that did start as a comprehensive bill and stripping away certain things so that we will end up with just a tax or just a public health initiative or just an issue of access itself, and I think we need to do all of that.

As to youth smoking, we have talked again and again over the last 2 weeks about the alarming statistics of youth smoking. The one statistic that seems to stick with people is one that is real, and that is that over the course of today, between now and tomorrow morning, 3,000 kids, underaged children, will start smoking for all sorts of reasons.

We know it is peer pressure, we know it is advertising, we know it is access, we know that it is looking cool; but regardless, the bottom line is that 3,000 kids who were not smoking yesterday by the end of today will be smoking.

What has become increasingly clear and possibly covered up by the industry, in part—confused by politics—is that 1,000 of those 3,000 will become addicted to smoking, and by being addicted, it means your body becomes dependent on that, it is out of your control, to a large extent because of physiological responses. But, regardless, the bottom line is that one out of every three of those children, the age of my children, 15, 12, 11, 10 years of age, who start smoking today, one out of three will die prematurely; that is, die earlier than they would—of lung disease, of cancer, of emphysema—earlier than they would have if they hadn't started smoking.

So, the problem is very, very clear today, much clearer than it was even 5 years ago or 10 years ago. Therefore, I think it is useful to stick with that statistic. You can argue the statistic, but the bottom line is that 1,000 children who start smoking today will die prematurely.

The other two out of three children may or may not continue smoking. They may not be affected, because it is not crystal clear that smoking 100 percent of the time causes cancer. But we know that it has a very, very strong influence on whatever our genetic predisposition is to cancer, all sorts of cancer, and to heart disease which—as a heart surgeon and heart specialist, I have operated on thousands and thousands and thousands of people whose heart disease I would attribute—to genetics? yes, but also in large part to smoking.

Focus on the health of our children and their children. Many of us in this Chamber do have children who are in those teenage years. A fascinating statistic is that about half of the people who start smoking, half of all people who start smoking today, are 8 years old, 9, 10, 11, 12, 13, and 14 years of age. Half of all people who start smoking today in this country are 14 years of age and younger. That is very different from in the past. I think in large part that does come from the fact that that group of people have been targeted in recent years, over the last 5 or 10 years—unlike 20 years ago—because if you can addict people at that age, they will not only purchase more cigarettes as youths but, because of their addiction, over their entire lifetimes.

This whole passage through adolescence is something which really confuses the issue. It would be much easier if we said let's stop everybody from smoking, because then you could really engage in huge, huge policy. But if you really stay focused on the youth, it introduces all sorts of factors that may not apply later: Advertising, how we advertise to youth—is it just Joe Camel, or is it other seductive types of advertising? And then, how you separate that advertising from broader-scale advertising, something that we cannot do in the U.S. Senate or the U.S. Congress. I believe it does almost demand participation by the industry, to agree that somebody 8 years of age or 10 years of age or 12 years of age should not be targeted by such advertising, which clearly results in a crippling addiction which will ultimately kill that child later in life.

For many years, individuals, if we look at the history, have not been successful in suing the tobacco industry because of a doctrine called assumption of risk doctrine. No jury would side with a plaintiff, because the smoker had assumed the risk associated with smoking.

However, if we review very briefly this recent history, over the last several months a group of State attorneys general got together and starting suing the industry to recover Medicaid costs, Medicaid costs being principally incurred by a State, because two-thirds of Medicaid funds are paid for by the State and about a third from the Federal Government. And therefore it was the State attorneys general. The Medicaid Program is our joint State-Federal partnership program that is directed at health care for our indigent population, a population that falls below the poverty level. That is why this grassroots effort, now elevated to this body, started at the State level. The State attorneys general got together to recover the Medicaid—predominantly State—costs for smoking-related illnesses, thus avoiding this whole doctrine called the assumption of risk doctrine.

It has been fascinating, because in the course of these lawsuits, and in large part because of the lawsuits—and we have seen it unfold before committees here in the U.S. Congress as well—internal industry documents have been made public. They have been made public for the first time and are now on the Internet, accessible to the media, to committees here in the U.S. Senate, as well as to people who are, on their own, on the Internet; they have access to these documents today.

It is very clear the industry knew a lot more about the science—that is, the addictive nature of nicotine—than they had let on, that they knew a lot more about the destructive effects of smoking tobacco than was ever previously thought.

The focus of the discussion today, which really demands that we address the issue, is that the debate no longer is that smoking may be harmful to your health, as it was 20 years ago—we know that it is harmful to your health—the debate that we need to address in the U.S. Senate, however, is the youth smoking, where one really doesn't engage in free choice to start smoking at 10 or 11 or 12 years of age. That free choice can be targeted, can be shifted by very aggressive marketing. And that is what has been done today.

If we look back again a few months, some of these States began to settle for huge sums from the tobacco industry. Mississippi, as we know, just 2 years ago settled for $3 billion; Florida and Texas were the next to settle, for $11.5 billion and $15.3 billion, respectively. And then just last month, Minnesota, the most recent to settle, settled for about $6.6 billion. Look a few months later and how all of this evolved. In the Spring of 1997, interested parties came to the bargaining table. I say ''interested parties,'' because you really did have the public health advocates at the table: You had the State attorneys general representing the Medicaid population, representing the expense of the States at the table; you had the industry—something which we don't have today in the U.S. Congress and the U.S. Senate—we had the industry actually at the table, coming to certain agreements.

Let me add very quickly, it was fascinating, because I am from a tobacco State; we have 23,000 hard-working women and men and farming families who work very hard, get up every morning to produce a legal product in this country. It is interesting, in this

great agreement—I guess I should qualify ''great''—in this historic agreement, the tobacco farmers and the agricultural community were not represented at that table.

Regardless, the other three groups—the public health group, the industry itself, the attorneys general—sat down, and the basic elements of that, and I would say historic, June 20 settlement included a number of things: No. 1, industry payments of $368.5 billion, agreed to by industry, members of the plaintiffs' bar, the attorneys general, and the public health groups. That $368.5 billion was to be paid over about 25 years. It would be funded by what calculated out to be raising the price of cigarettes by 70 cents per pack over a 10-year period.

Second, an important component, I believe, is the advertising restrictions. The industry came forward and said that, we will voluntarily limit our first amendment rights by refocusing advertising, if the remaining aspects of that agreement would go into effect.

Third, there were youth access provisions and really some pretty tough licensing requirements for retailers who sell tobacco. All of us know the problem we have with access today. If you go into any community and ask a young 16-year-old or 15-year-old, ''Could you get a pack of cigarettes?'' they would say, ''Yes, without a problem.''

Fourth, that June 20, 1997, settlement had $2.5 billion per year for smoking cessation programs, public education campaigns, and State enforcement. It gave FDA authority to regulate tobacco and smoking. It had no class action suits or suits by any government entity. It had immunity for the industry from all punitive damages for past actions. Individuals were allowed to bring suits to cover compensatory damages for past conduct and compensatory and punitive damages for future conduct.

Because that settlement required the enactment of Federal law, it came before the U.S. Congress. We are here today in large part because that June 20 settlement requires us to be here or it just doesn't occur. Implementing the provisions of that settlement or implementing provisions similar to it does require Federal legislation.

We had committees that had jurisdiction over several provisions in this June 20 agreement. Judiciary had a role, the Labor Committee had its expertise in the FDA, the Finance Committee had jurisdiction over international trade aspects, the Commerce Committee had jurisdiction over the liability and interstate commerce expertise, the Agriculture Committee had a keen interest in the effect of this type of really unprecedented legislation on farmers, all of which ultimately were pulled together—at least that expertise was pulled together—through the Commerce Committee and bringing it to the floor to be amended accordingly.

We are right now in the middle of that amendment process. A number of people are talking about amendments to make the bill better, and the bill was brought to the floor recognizing it was not a perfect bill, that it was important for that amendment process to take place to modify it, to improve it, to make sure that it does achieve the objectives of decreasing youth smoking over time. I encourage my colleagues to come forward to participate with their amendments so we can achieve that objective and, sometime within the next several days or next several weeks, bring this to some resolution.

I do believe, as I said, it takes a comprehensive approach. I think we do have to address, first, the advertising targeted at children. An article in the Journal of the American Medical Association of February 17 stated very clearly that advertising is more influential than peer pressure in enticing our children to try smoking, and it estimated—and I recognize these estimates are really all over the board—but it estimated that about 700,000 kids a year are affected by advertising. Big debate. We have talked about it a lot over the last several weeks. Is it advertising? Is it peer pressure? How do you control peer pressure at that very tricky age of walking through adolescence? They are inextricably tied together. If you have very effective advertising that makes smoking look cool and makes you part of a group and makes you feel good at 12 years of age, then peer pressure builds. If somebody asks is it peer pressure or advertising, it is very confusing.

In our business, in the political business, in public service, we know the effects of marketing. We know that kids are targeted, and we know that builds and establishes peer pressure which does affect somebody at that age, in adolescence, when they are reaching out for identity and for security and for acceptance. Therefore, either dealing directly with the industry or indirectly, we have to have the industry agree not to target kids. Our society simply must stop glamorizing smoking in the way that it does today, which increases the peer pressure. This applies to television; it applies to movies; it applies to 30-second spots; it applies to billboards. We have to stop that marketing directly to children, and I believe the industry has to take the lead in that regard.

Secondly, to have a truly comprehensive program, we do have to have a strong public health initiative, including tobacco-related research, including tobacco-related treatment, and including tobacco-related surveillance. It is fascinating in terms of how we would use certain moneys, because a number of people want to use certain moneys for programs totally unrelated to public health initiatives, totally unrelated to research.

If we just step back and imagine what could be done if moneys were spent effectively and if there were appropriate moneys available for research, we might—we just might—in 5 years, in 10 years, maybe 3 years, eliminate the problem. For example, if we knew where in the brain addiction to nicotine actually occurs—and let me say that there are ways to detect that through PET scanning, positron-emission tomography, today—we know roughly in the brain where the addictive center to nicotine actually occurs.

With the rapid advances made in science, with the appropriate focus and the appropriate resources, it is not far-fetched that we will identify not only the location, where we have taken the first steps, but the actual receptors, and design a drug, a chemical, a hormone to go to that particular site and turn off the addictive potential, the addictive connections that cause that 8-year-old or that 10-year-old who starts to smoke to smoke forever out of their control.

That one little bit of research could solve this whole problem. We can't give any statistic probability that that research will result in that sort of effect, but the potential is there. It takes that emphasis on that particular dimension, moving there and saying we do need to put the appropriate funds there, that some effort in this comprehensive approach must be directed to research. A strong commitment to basic science and behavioral research is critical.

Such focused research made possible by this bill might even uncover a pill. I can almost see a day where people will smoke for 6 months or smoke for a year. If we can kill that addictive potential, that 6 months to a year might not have the same impact on one's coronary arteries in the development of atherosclerotic plaques—hardening of the arteries—which cause heart attacks and ultimately death.

Will we get there? We don't know unless we focus research in that area, and right now we do not have sufficient research there. We do need to look at certain behavioral research: How can we stop people from smoking who are addicted to smoking? We just don't know very much about that.

Later today, I think we will be talking a lot about drugs, other drugs—not just nicotine, not just cigarettes—and the importance of developing a more comprehensive policy. I welcome that opportunity, again, because I have youngsters. I have three boys, who are going through this period of adolescence, who are going to be tempted and exposed to all of the seductive advertising, peer pressure, wanting to be accepted, that we have all gone through and most of our children go through.

A comprehensive approach: The research, the scientific research, smoking cessation programs, behavioral research, the addictive potential, the advertising that I spoke to.

The third component is that of access. It is too easy today. We held hearings in our Subcommittee on Public Health and Safety, which I chair, in the Labor Committee and had some really powerful, powerful testimony come forward by the users, by those

young adolescents who have started to smoke. We heard chilling testimony about how easy it was to purchase tobacco products.

We can do a great job in a small community. If there are 12 places where one can buy tobacco, we can have 5 of those really enforce the access laws. Just imagine 12 convenient stores in a community. You can have five that really stick to the law. You can have another five that do pretty well. But if there is just one in that community that continues to sell cigarettes, for whatever reason, the access programs don't work at all. We need to have more effective access.

Nickita from Baltimore, who is now 18 years old, started smoking when she was 14 years of age. She testified that she would normally get her cigarettes from the store. She testified that she never had a problem buying cigarettes in the store. In fact, ''People in my community, as young as 9 years old, go to the store and get cigarettes. They simply do not ask for IDs,'' she said.

The lesson I learned from this testimony is that we must enforce youth access laws. We must make it impossible for children to buy cigarettes in any neighborhood in this country. It is really shameful that in America in 1998 a teenager can purchase tobacco in any neighborhood in the United States of America.

There are three elements—access, advertising, public health and basic science initiatives. In this whole arena of access, price is an issue. I voted against the tax of $1.50 that was proposed on this floor 2 weeks ago very simply because price addresses one aspect of the three aspects that I think are important to decrease youth smoking. Price does affect purchasing. While it is one of the levels, one of the factors, it is not the only factor.

Consumption, though, had been decreasing in the 1970s. However, between 1980 and 1993, the downward trend really accelerated, with consumption falling by 3 percent a year at the same time that the inflation-adjusted price of cigarettes increased by 80 percent.

In addition, in the early 1990s, we saw price cuts, and consumption leveled off with only modest decreases in the price until 1996. Then in 1997, prices rose by 2.3 percent, and consumption fell again by 3 percent.

Expert testimony provided in hearings before us, based on data from both this country and others, clearly demonstrates that the price of cigarettes does affect consumption. But price alone simply will not solve the problem; that a comprehensive approach is necessary.

Mr. President, I think the bill on the floor is a good start in addressing, in a comprehensive way, this issue of decreasing youth smoking. It also addresses an issue that was ignored by the June 20 settlement, an issue that I mentioned—that of the agricultural community and that of tobacco farmers.

We have two competing amendments or proposals right now that are being considered. I am very hopeful that an agreement can be reached between those two. They have very different concepts. On the other hand, both have as their goal to do what is in the best interest of those hard-working men and women who are in the farming community, who, through no fault of their own, we have this targeting of the youth by the industry, who, through no fault of their own, affect this idea of easy access. They are literally getting up every morning, going out, working hard in the fields to produce a legal product. I am very pleased that this group is being addressed. I look forward to having some resolution of the two competing groups.

Mr. President, I will wrap up my comments shortly because other people are on the floor. I think this bill is not perfect yet. I think we need to look very closely at how we have designated whatever funds are generated by this particular bill and to look at what programs they create.

The version of the bill on the floor now, unlike the original Commerce version of the bill, is much, much better in that most of the huge bureaucracies that came out of the Commerce Committee bill have been eliminated, have been reduced. I think there are still a number of those programs that we need to go back and address.

Some people have come to the floor and have basically said that the bill on the floor is merely an attempt to destroy an industry that is producing a legal product by raising the price too much. I think this is a legitimate concern. We have had a countless number of financial experts present data; some have had a vested interest, some have not. A number of them have come before the several committees who have held hearings on this jurisdiction, and it really seems nobody can answer the question of the appropriate price and what a price increase of 50 cents or 70 cents or $1 or $1.50 will do on the industry itself.

We do know one thing; and that is that the industry at one time agreed, back in June, to a $368.5 billion exchange for some assurances that they would have some predictability in future lawsuits. Now that has been radically changed at the end of 2 weeks ago. We need to all get together to see what that next step should be, what further amendments need to be applied. Again, personally, I believe that the industry has to be at the table, has to agree not to target the youth today.

Black market—something that is very, very real. If the price is raised too high, at least based on the testimony that has come before our committees, a black market would most certainly occur, and then we would ultimately end up destroying exactly what we are trying to achieve—that is a reduction in youth smoking.

Mr. President, I guess in closing my remarks I just want to emphasize how effective and responsible we can be if we have a comprehensive settlement. And that is what it is going to take—public health initiatives, appropriate research, addressing the issue of access, and addressing the issue of advertising. We must have an industry that does not market to kids. We have to have the cooperation of the industry.

Mr. President, let me just make one final comment that is on the Food and Drug Administration. I have been very active in working to see that the Food and Drug Administration is the agency that would oversee whatever regulation we pass on the floor of the U.S. Senate and through the U.S. Congress. The approach was to set up a separate chapter within the Food and Drug Administration rather than try to regulate tobacco or cigarettes through a three or four sentence clause that is existing in the device aspects of the Food and Drug Administration legislation today.

We did this for a number of reasons. I have outlined those reasons on the floor today. I am very pleased where we stand with that today, in terms of setting up a new chapter that recognizes that tobacco really is a unique product. It is not a device to be regulated like a pacemaker or like an artificial heart device or like a laser. And that is where an attempt was made by the administration to regulate tobacco.

Are there parts of that that might be improved? I think we can consider that as we go through the amendment process. I still have some concerns with some parts of the Commerce bill. I look forward to seeing them modified.

I think as a heart surgeon, as a lung surgeon, I have a real obligation to point out that smoking does kill people— there is no question—No. 2, that tobacco is a legal product in this country—and I think it should stay a legal product in this country where adults who have the maturity, have the education to make choices for themselves should have that opportunity—but, thirdly, I feel very strongly that we need to address youth smoking and do our very best as a nation for our children and for that next generation through a comprehensive strategy to work to reduce youth smoking.

Mr. President, we have two colleagues on the floor, and I would simply ask unanimous consent if they could limit their comments or let me inquire in terms of, from each of them, how long they would require? I would like to have some limitation because we want to get to other amendments early this morning.

Mr. DURBIN. I thank the Senator. I would be happy to limit my remarks to no more than 30 minutes.

Mr. ASHCROFT. The same.

Mr. FRIST. I will yield 30 minutes to both of my colleagues on the floor. At that time, I reserve coming back and regaining the floor at that time.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. ASHCROFT. Mr. President, I rise today to discuss the tobacco bill. And I wish to address the massive tax increase that is in this bill—tax increases that are targeted against the lowest income individuals in America: hard-working citizens who earn primarily less than $30,000 a year. It is a massive tax increase that is going to be used to expand the Federal Government, just when the American people continue to make it clear that they are tired of Government imposing its decisions on our daily lives.

Just last week there was an announcement of a $39 billion surplus in 1998 and a $54 billion surplus in 1999. Congress should be debating how to return this money to the taxpayers. We should not be debating how to siphon more out of the pockets of working Americans.

It is also possible to discuss the inevitable black market that would result from the policies in this bill, even though my colleagues and the administration continue to ignore this threat to American neighborhoods of creating a black market with the high taxes in this bill. I will also discuss the effect of a price increase on teenage smoking rates.

Mr. President, along with my colleagues, I am truly concerned about teen smoking. However, I do not believe that teen smoking is the focus of this legislation. Under the guise of reducing teen smoking, proponents of this bill are willing to increase taxes on hard-working Americans by well over $800 billion. That is well over three-quarters of a trillion dollars.

Under the guise of reducing teen smoking, proponents of this bill support a massive increase in the size of the Federal Government—17 new boards and commissions, which is a modest estimate. And then in response to the identification of those boards and commissions, some in support of this bill have decided to say they would take out those boards and commissions and just leave authority for agencies to create within themselves the capacity to do what the boards and commissions were designed to do. Instead of having boards and commissions that are accountable and identifiable, you have stealth boards and commissions that are hidden in the agencies. I don't think making them indistinguishable is a way to say that government isn't growing.

Proponents of this bill claim it is necessary to curb teen smoking. What this bill is necessary for is to feed the tax-and-spend habit of individuals in Washington.

Although Congress has the authority, we do not even make it illegal for minors to possess or use tobacco in the District of Columbia in this bill. We only have rules regarding the point of sale. Even then, we only make retailers responsible for the transaction. There is no disincentive for teenagers to try and purchase cigarettes in this bill. Two percent of retail cigarette sales are made to minors. Adults purchase 98 percent of all cigarettes sold in retail stores. Under this bill, we are creating a massive tax increase on 98 percent of smokers in order to try and discourage 2 percent of all the retail sales. There is sound evidence that the 2 percent will not be discouraged. In Washington, taxes and spending are the only things more addictive than nicotine.

Preliminary reports estimated this legislation would increase taxes $868 billion. We now know that this legislation would raise taxes $885 billion and create new government programs with funding locked in for 25 years. It creates a huge government regulatory scheme the likes of which we have not seen since the Clinton proposal to perpetrate a national health care system from the Federal Government.

This bill is a tax bill, pure and simple. It is a tax bill on Americans who are already overburdened with taxes. Americans today are working longer and harder than ever before to pay their taxes. Tax Freedom Day this year was less than a month ago, on May the 10th. It was a record year. Americans worked longer into the year this year to pay their taxes than ever before. The hard work of the American people, let me say again, the hard work of the American people allowed the President just last week to announce a $39 billion projected surplus in 1998 and a $54 billion surplus projected for 1999. Yet here we are a week later continuing to talk not about how to return the surplus to the people, but how to siphon more out of their pockets. As currently drafted, the proposed tobacco bill is nothing more than an excuse for Washington to raise taxes and spend more money.

In the 15 years prior to 1995, Congress passed 13 major tax increases. In fact, last year's Taxpayer Relief Act was the first meaningful tax cut since 1981. As currently drafted, the tobacco bill erases that relief. We must stop that from happening. We must not undo the modest gains we gave to the American people just last year. We certainly cannot relieve them by imposing another $885 billion in taxes on them. To paraphrase President Reagan, the whole controversy comes down to this: Are you entitled to the fruits of your own labor or does government have some presumptive right to tax and tax and tax? Who will pay the $800-plus billion in taxes contained in this proposed legislation?

The tobacco legislation is a massive tax increase that would be levied against those least capable of paying. About 60 percent of the tax increase would fall on families earning $30,000 a year or less. That is a shocking figure. What it basically says is these families with less than $30,000, struggling to put clothing on the backs of their children, food on the table, to pay the rent, to have the money for transportation, to keep the car repaired, occasionally scraping together enough for a modest day off or a vacation, would suddenly be subject to a massive new tax, 60 percent of which would fall on them. Some households would see their taxes increase by more than $1,000. Moreover, this new tax would be levied on money that has already been subject to the income tax. If you are buying cigarettes and you have an additional $1.10 to pay, it is a tax on money you have already paid tax on. Households earning less than $50,000 would pay seven times as much in new tobacco taxes than households earning $75,000 or more.

According to the Congressional Research Service, tobacco taxes are perhaps the most regressive taxes currently levied. In the United States of America where, we already have the highest taxes in history, we are now projecting a massive tax increase on individuals least capable of paying. While those earning less than $10,000 make up only 10 percent of the population, 32 percent of those people smoke. The current tobacco tax represents 5 percent of the smokers' income in this category. Those making between $10,000 and $20,000 a year make up 18 percent of the population. However, 30 percent smoke. The current tobacco tax makes up 2 percent of a smokers income in this category. Therefore, this bill amounts to a tax increase on 31 percent of Americans who earn under $20,000 a year. Households earning less than $10,000 a year would feel the bite of this tax increase most of all. These households, it is estimated, would see their Federal taxes rise 35.1 percent.

In most areas of the country, someone earning $10,000 a year is well below the poverty line. We spend much of our time in this body trying to find solutions for those in this income bracket—we have tax credits, welfare programs, educational grants, job-training programs. They cost billions of dollars a year. We try to lift people out of their poverty, out of that income bracket. However, today, Members of this body are enthusiastically saddling them with a huge tax burden of over $800 billion focused on those least capable of paying. Washington politicians and bureaucrats are saying they know better how to spend the resources of the American people.

Let me share the impact this tax increase will have on the constituents of the people in Missouri. Using data provided by the Centers for Disease Control, it is clear the tobacco legislation would be an annual $382 million tax on people in Missouri. Of that amount, $227 million would be paid by households earning $30,000 or less. This is a conservative estimate. This assumes that each smoker in Missouri smokes only one pack a day. For someone who smokes two packs daily, the $1.10 per pack tax increase contained in the tobacco legislation would amount to a tax increase of $803 annually.

Let's look at how this will impact other States. Arizona, 22.9 percent of

the adults smoke; $227.3 million tax increase on Arizona, $164.7 million on those with incomes of $30,000 or less. In Texas, 23.7 percent of adults smoke; $1.2 billion tax increase on Texas, $1.2 billion tax increase on the people of Texas, with three quarters of a billion being levied against those who earn $30,000 or less.

This bill contains massive tax increases that are going to be used to expand the Federal Government just when the American people continue to make it clear that they need relief. Some people ask, where is all this money coming from when we talk about our surpluses? I can tell you where the money comes from—it comes from the hard work, the sacrifice, the ingenuity, the efforts of Americans. It is not our money. It is their money. It is not Washington's. We should be discussing how to leave the money where it belongs. Instead, we are discussing how to take more money.

I have an amendment that I plan on introducing later in this debate that will accomplish the goal of leaving money in the pockets of the taxpayers. It will give much-needed tax relief to Americans in a way which will provide the greatest relief to those who will be hardest hit under the bill. I believe, as many do in this body, that if this bill is allowed to increase taxes, that revenue should be used to relieve married couples of what might possibly be the most indefensible and immoral tax of our Tax Code. This is a perfect example of Washington's values being imposed on America instead of America's values being imposed on Washington. Americans value marriage; Washington taxes marriage.

The marriage penalty tax creates a situation in which 21 million couples pay $29 billion more than they would have paid had they been single. The marriage penalty, on the average, is about $1,400 per family. This is grossly unfair and is an assault on the values of the American people. Consider a typical couple in which each person earns an annual income of $35,000. Under current law, if the couple were to wed in 1998, they would pay $10,595 in Federal income taxes, assuming they were childless and they take the standard deduction. If, instead, they chose to remain single, their combined tax bill would amount to $9,117. In other words, they would pay $1,478, a 16-percent penalty for being married.

As you might expect, people often modify their behavior to avoid paying taxes. In fact, it is one of the assumptions of the tobacco legislation that people would modify their behavior—quit smoking—if we raise taxes on cigarettes. Does the Tax Code really influence moral decisions and prevent couples from getting married? Tragically, yes. Some couples simply cannot afford to bear the extra burden of the marriage penalty. Just ask Sharon Mallory and Darryl Pierce of Connersville, IN. They were planning to get married when they learned that their annual tax liability would balloon $3,700 as a result. The marriage penalty led them to rethink their decision to get married.

A marriage penalty exists today because Congress legislated ill-advised changes to the Tax Code in the 1960s. This is an example of Washington's values being imposed on America instead of America's values being imposed on Washington.

Over the next 5 years, the Federal Government is expected to collect $9.3 trillion in taxes from hard-working Americans. Completely eliminating the marriage penalty would reduce that total by only $150 billion, or only 1.6 percent.

Now that taxpayers have provided the Federal Government with a surplus that may be as much as $60 billion this year alone, Congress has no excuse for withholding tax relief from American families.

The power to tax is the power to destroy. The average dual-income household spends a far larger share of its income on taxes than it does on food, shelter, clothing, and transportation combined.

With taxes at these levels, no wonder families are finding it necessary to send both spouses into the workplace. One of the ways in which the marriage penalty manifests itself is that the standard deduction for a married couple is less than that for two singles. That means if you are married and you file a joint return, the standard deduction is not double what it was when you were single. Again, let me repeat this staggering fact. Last year, 21 million married couples collectively paid a $29 billion tax. They paid $29 billion more than they would have paid had they been single.

I will offer an amendment that will substantially reduce the marriage penalty. It will do so by making the standard deduction for married couples twice what the standard deduction is for single people.

Members of this body have been arguing that there is no tax in this bill, only an increase in tobacco prices to deter smoking. In fact, the Finance Committee, in its mark, at least tried to level with the American people by reporting out a bill that called it a tax. Webster's Dictionary defines a tax as a ''compulsory payment, usually a percentage, levied on income, property values, sales prices, etc., for the support of government.''

In this bill we have a compulsory payment. The bill then requires that the cost of these payments be passed on in the form of price increases to consumers. It even penalizes companies if they fail to do so. These payments are then used to fund massive programs for Federal and State governments.

Well, if it walks like a duck, talks like a duck, and sounds like a duck, it is a duck. So if it ''walks'' like a tax and acts like a tax, it is probably a tax. This is a tax and in law provides that those payments—taxes—are to be passed through to consumers—under a penalty if it is not done.

It has been said that industry is the group that is convincing people that this is a tax bill. But we all know that industry can't make it a tax bill, and Senators can't say it is not a tax bill if it is a tax bill. It is a tax bill. It requires consumers to spend additional sums of money and to send them to Washington so that government programs can be extended.

Those who support this bill would like for the American people to believe that this is tough on tobacco. The American people are beginning to find out that tobacco companies won't bear the costs of these payments. Consumers will. This bill requires that consumers will be those who are required to put up the money—the $800 billion-plus that comes in the mandatory payments, the taxes that are occasioned by this bill.

What will be the impact on tobacco companies? In September of 1997, the Federal Trade Commission issued a report entitled ''Competition and the Financial Impact of the Proposed Tobacco Industry Settlement.'' The report was done at the request of the Congressional Task Force on Tobacco and Health. This report analyzed the economic impact of the proposed settlement on cigarette prices, industry profits, and Government revenues.

This tobacco legislation was built upon the proposed settlement, but it is not exactly the same. But this report was based upon the annual payment, look-back provisions, and tax deductibility of the payments made by the tobacco companies.

There are several important conclusions in this report:

First: ''The major cigarette manufacturers may profit from the proposed settlement by increasing the price of cigarettes substantially above the amount of the . . . payments that are to be paid to the public sector.''

It could be profitable for the tobacco companies. This bill that is so hard on the tobacco companies may result in increased profits for the very tobacco companies we are supposed to be hurting.

Second, the report concludes: ''Even assuming that prices increase by no more than the annual payments, the major cigarette firms may profit substantially . . . through limitations on liability and reductions in advertising and litigation costs.''

Well, that is a very serious suggestion. And that comes from the Federal Trade Commission of the United States.

Again, the actual elements of this bill that are supposed to show that Congress is ''tough on tobacco'' may, according to the Federal Trade Commission, actually enable tobacco companies to profit substantially by reducing litigation costs and by reducing the costs of advertising.

The report then mentions the affect of price increases on smokers. It says:

The overall demand by adults for cigarettes is inelastic, or relatively insensitive to changes in price. Most adult consumers will continue to smoke notwithstanding a significant increase in price.

As a result, an industry-wide price increase would be profitable for the companies, even though some smokers would react to the higher prices by smoking less or quitting altogether.

Now, the evidence is not clear that raising prices reduces teen smoking rates. Mr. President, this bill is being considered on the Senate floor. It is being considered and being sold to the American people as the only way to reduce youth smoking. They are being told that we can justify an $800 billion tax increase that is necessary to get rid of the disease of addiction. However, after looking at the evidence, there is no reason to believe that such a tax increase is the answer to eliminating teen smoking.

Mr. President, I inquire as to the time remaining in my opportunity to speak?

The PRESIDING OFFICER. Nine minutes.

Mr. ASHCROFT. I thank the Chair.

Food and Drug Administration regulations, which were designed to curtail teen smoking and which were suggested by a Cabinet Secretary who helped promote these regulations, did not contain price increases. The most striking evidence that significant price increases are not necessary to reduce smoking is a very recent attempt by this administration to address the youth smoking issue. In 1996, regulations promulgated by the FDA were touted as being historic. It was estimated to reduce youth smoking by 50 percent over 7 years, and they didn't include price increases.

The important aspect of these regulations is that they contain no price increase on smokers in the general population. As you know, this legislation is raising the prices on 100 percent of the smokers to try to discourage the utilization of cigarettes by 2 percent of those who purchase. There was no discussion in the regulations of a huge price increase—a massive tax increase. And about this regulation, the Secretary of Health and Human Services, Donna Shalala, stated:

This is the most important public health initiative in a generation. It ranks with everything from polio to penicillin. I mean, this is huge in terms of its impact. Our goal is very straightforward: to reduce the amount of teenage smoking in the United States by half over the next 7 years.

It is a laudable objective, and apparently it is believed to be attainable by the Secretary of Health and Human Services without a massive tax increase or price increase.

David Kessler, one of the strongest proponents of this bill, was the Director of the Food and Drug Administration when these regulations were promulgated. He stated:

Don't let the simplicity of these proposals fool you. If all elements of the anti-smoking package come into play together, change could be felt within a single generation, and we could see nicotine addiction go the way of smallpox and polio. without a price increase.

These statements were made about regulations that contained absolutely no price increase—no massive tax on the working people of America; no massive taking by the government of over three-quarters of a trillion dollars; no extension of 17 new boards, commissions, and agencies for the government.

Also, remember that these regulations were supposed to reduce youth smoking by 50 percent over 7 years, while it has been claimed, that this bill—containing massive tax increases—will reduce teen smoking by 60 percent over 10 years.

Dr. Kessler was widely cited as a supporter of the amendment offered on this floor last week that would have increased the tax on cigarettes by $1.50 rather than the $1.10 already contained in the bill as necessary to reduce teen smoking, which is substantial.

Yet, when those regulations were enacted he never complained that this regulation would not have been effective in reducing teen smoking because it did not contain such a massive tax increase.

About these regulations, President Clinton stated:

That's why a year ago I worked with the FDA, and . . . a nationwide effort to protect our children from the dangers of tobacco by reducing access to tobacco products, by preventing companies from advertising to our children. The purpose of the FDA rule was to reduce youth smoking by 50 percent within 7 years.

There was no complaint by the President that these regulations were insufficient because they did not contain a price increase.

What has changed in just 2 short years?

Policymakers in Washington have found a cash cow to pay for their pet programs that the President said he wanted, but which he would find incapable of moving through the ordinary budget process.

The evidence as to whether price increases reduce youth smoking is tentative—at best.

The second issue I want to address concerning the need to increase taxes on the American people by $868 billion is whether price increases actually reduce teen smoking.

My colleagues have been arguing that the studies show conclusively that price increases reduce youth smoking.

However, that simply is not the case.

At best, the studies are inconclusive. At worst, they show little correlation between price increase and a reduction in youth smoking.

The debate on this floor has assumed that for every 10 percent increase in price reduces youth smoking by 7 percent.

Frankly, I think the average citizen knows that young people who are willing to pay $150 a pair for sneakers are probably not very price sensitive when it comes to other factors that relate to status and the like and making a statement, which smoking frequently is for young people.

The debate on this floor has assumed—a dangerous assumption, reckless, and irresponsible intellectually—that for every 10-percent increase in price you get a 7-percent reduction in youth smoking.

Studies conducted by economists at Cornell University and the University of Maryland, and funded by the National Cancer Institute, question the connection between youth smoking, prices, and tax rates.

THE CORNELL STUDY

After following 13,000 kids for 4 years, Dr. Philip DeCicca of Cornell University, in a National Cancer Institute funded study—a public health study—found ''Little evidence that taxes reduce smoking onset between 8th and 12th grade.''

The economists that conducted this study presented their results between the relationship between higher tobacco taxes and youth smoking to the American Economics Association annual meeting in January 1998. This is not a dated study.

The study concluded that higher taxes have little effect on whether young people start to smoke.

They concluded that ''[T]axes are not as salient to youth smoking decisions as are individual characteristics and family background.''

''[W]e find little evidence that taxes reduce smoking onset between 8th and 12th grades,'' and estimated that a $1.50 tax increase would decrease the rate of smoking onset by only about 2 percentage points—from 21.6% of 12th graders who start smoking currently to 19.6% of 12th graders.

''Our data allow us to directly examine the impact of changes in tax rates on youth smoking behavior, and our preliminary results indicate this impact is small or nonexistent.''

Here is the best data we have. The most recent studies indicate that a massive increase of three-quarters of a trillion dollars plus on the taxes of the American people will have little impact or a nonexistent impact in reducing youth smoking.

In conclusion, the economists stated that the study ''raises doubt about the claim that tax or price increases can substantially reduce youth smoking.''

MARYLAND STUDY

Economists at the University of Maryland and the University of Chicago conducted a similar study that analyzed data concerning more than 250,000 high school seniors for the period 1977–1992—the largest such sample ever used for a study on this subject.

They found that the relationship between price and youth consumption is ''substantially smaller'' than suggested by previous studies.

In addition, real world experience confirms the uncertain relationship between higher tobacco taxes, prices and youth smoking.

CALIFORNIA

In 1989, California increased its cigarette excise tax by 25 cents per pack, but there is no evidence that youth smoking declined. This was an 11 percent increase. Therefore, under the analysis that elasticity of teenage smokers is .07, there should have been a decrease of at least 7 percent.

We are operating under the assumption that 25 cents a pack would have resulted in a 16-percent or more decrease in the number of youth smokers.

The truth of the matter is there was an 11-percent increase. Therefore, under the analysis that the elasticity of smokers is .07, there should have been a decrease of substantial proportions.

However, as of 1994, researchers were ''unable to identify a decline in prevalence [among 16 to 18 year olds] associated with the imposition of the excise tax.''

CANADA

The most commonly cited real world situation is our neighbor to the North—Canada.

In Canada, the federal government increased cigarette taxes in several stages in the late 1980s and early 1990s—from $10.75 per 1,000 cigarettes to $24.34 in 1986, then to $38.77 in 1989, and to $62.90 in 1991.

Although it has been stated on this floor, by proponents of this legislation, that smoking decreased during that period, they fail to talk about the years 1991 to 1994 when the tax rates were the highest in that nation's history.

During that period, smoking rates among 15–19-year-olds rose from 21 to 27 percent. That is a 25-percent increase.

If the argument that rising prices will reduce teen smoking, it stands to reason that youth smoking should increase as prices fall. However, a year and a half after reducing—significantly—tobacco taxes in Canada, according to the ''Survey on Smoking in Canada,'' teen smoking ''remained stable.''

The fact that is ignored by those who argue teen smoking declined in Canada due to the significant tax increases is that youth smoking declined in the United States by 30 percent during the same period—1977 to 1990—without a price increase.

U.K.

Between 1988 and 1996 the per pack price of cigarettes increased by 26 percent. Although cigarette volumes fell by 17 percent, the percentage of weekly smokers aged 11–16 went from 8 percent in 1988 to 13 percent in 1996.

COMMON SENSE

Common sense also suggests that youth are less responsive to tax and price increases. In an era of $15 compact discs, $100 video games, and $150 sneakers, is it realistic to believe that a few extra dollars on cigarettes a month will cause youth to stop experimenting with smoking or not to start in the first place? Young people may have less ''disposable income'' than adults, but their spending is almost entirely discretionary.

The CDC has compiled data on brand-preference that supports the conclusion that young people are not particularly price sensitive.

The ''price value'' or discount, segment of the cigarette market comprised 39 percent of the overall cigarette market in 1993. Yet, according to the CDC, less than 14 percent of adolescent smokers purchased generic or other ''value-priced'' brands—just one-third the percentage.

The point was echoed by the government's lawyer defending the FDA tobacco rule, who told the U.S. District Court, ''[P]rice, apparently has very little meaning to children and smoking, and therefore, they don't smoke generic cigarettes, they go for those three big advertised brands.''

In Canada, in Great Britain, the Cornell study, Maryland University, the Chicago study, the situation in California, we don't have a clear understanding that a rise or an increase in taxes would in fact result in a decrease in youth smoking.

It is with that in mind that I feel we should reject this bill as a massive tax increase, and if there is a massive tax increase in this bill, that tax increase should be sent back to those who are most hurt by it—low-income individuals—by eliminating a marriage penalty by raising the standard deduction for married couples to exactly double that enjoyed by single taxpayers.

I thank the Chair for the time. I yield the floor.

Mr. DURBIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 30 minutes.

AMENDMENT NO. 2438

Mr. DURBIN. I thank the President. I am happy to stand this morning in support of the pending amendment before the U.S. Senate to this tobacco legislation. It is an amendment offered by Senator DEWINE, Republican of Ohio, and myself, a bipartisan effort to make this important bill more effective.

I would like to pause for a moment before addressing the amendment and speak to the historical significance of this debate.

About 11 years ago I was involved in a struggle as a Member of the House of Representatives to pass one of the first tobacco-controlled bills ever considered by the House of Representatives. In comparison to this bill, ours was a very modest measure. We were setting out to achieve something which on its face appeared very simple, but turned out to be politically very difficult. What we wanted to achieve 11 years ago was to ban smoking on airplanes. You would have thought that we were proposing a second American revolution. The tobacco lobby organized its efforts, found all of its friends, both Democrat and Republican, and marshaled forces to beat our effort.

They predicted that what we were setting out to do would create chaos in public transportation; it was totally unnecessary; it discriminated against the rights of smokers, and on and on and on.

Well, Mr. President, it was our good fortune in the House of Representatives to have a number of Members of Congress, both Democrats and Republicans, who, for the first time in modern memory, rejected these pleas from the tobacco lobby and enacted legislation a little over 10 years ago that banned smoking on airplane flights of 2 hours or less. It was a breakthrough. It was the first time the tobacco lobby lost. Those who joined me in that effort stuck their necks out politically. It wasn't considered to be very smart politics to oppose tobacco. This, in fact, was the largest, most powerful, most well funded lobby in Washington. Fortunately for us, Senator FRANK LAUTENBERG of New Jersey and his friends in the Senate joined us in the battle and together we successfully achieved our goal. Today, virtually all domestic airline flights—in fact, I think all of them—are smoke free. It is now becoming a trend worldwide.

That battle and that victory, I think, set the stage for where we are today, albeit a small victory in comparison to our goal in this debate. But it would have been unimaginable 10 or 11 years ago to think that today in the Senate we are debating a bill involving tobacco and health of the magnitude of the McCain bill which comes before us. JOHN MCCAIN is our Republican colleague from the State of Arizona. I admire his grit and determination in bringing this bill to the floor despite a lot of opposition, primarily but not exclusively, from his own side of the aisle.

When you think in terms of what we are setting out to achieve, it is substantial. It is revolutionary. It is long overdue. Our goals are simple: reduce teen smoking, invest in public health research and programs to help smokers quit, and protect tobacco farmers and their communities.

The focus on children is a good one and an important one because tobacco companies have needed these children desperately. Each year, they have to recruit millions of children to replace those who are breaking the habit and those who have passed away. They set out their net and stretch it out for millions and bring in thousands, but they keep replenishing the ranks; 89 percent of all people who ever tried a cigarette tried by the age of 18. Of people who have ever smoked daily, 71 percent were smoking daily by age 18. Virtually no one starts smoking during adulthood. It is a childish decision. It becomes a childish habit, and it condemns those who fall into the lure of this nicotine addiction to the likelihood of a shortened life and more exposure to disease.

This McCain bill not only sets out to reduce the number of teen smokers, but it also sets out to invest more in medical research. When I heard my colleague from Missouri decrying this bill

and talking about this waste of tax dollars being brought into our Treasury, I paused and thought that we could argue—and I will during the course of my remarks—that raising the price of the product is going to discourage children from using it as well as others, but also the money that is coming in as a part of this bill is going to be invested back in America.

I would stand by the results of a national referendum on the following question: Should we increase the Federal tax on a package of cigarettes, and then take a substantial portion of the money raised and put it in medical research—send it to the National Institutes of Health for research to find cures for cancer, heart disease, AIDS, juvenile diabetes, Alzheimer's, and the myriad of medical problems that we face in this country? I will bet the results would be overwhelmingly positive because Americans believe in this investment. Americans believe that this bill, in providing money for medical research investment, is money well spent.

Smoking cessation programs are part of it, too. I think that is sensible. My father, who was a lifelong smoker, was a victim of lung cancer and died in his early 50s. I saw, even after his diagnosis, the situation that he faced, the craving that he had for this deadly cigarette that had caused him so many health problems. I have always had a sensitivity and a sympathy for smokers who are trying to quit. For some, they can just literally walk away from it, decide in a minute that tomorrow they will never smoke another cigarette. But for others it is virtually a lifelong struggle.

The McCain bill puts money into smoking cessation programs so that smokers nationwide will have the means to turn to, to reduce their addiction to nicotine. My colleague from Tennessee, Senator FRIST, spoke earlier about the need for medical research in this area, for breakthroughs to stop this addiction. I fully support him, and I think it should be part of this effort. We are hopeful these breakthroughs will make it easier for people to stop this addiction to nicotine. That is part of this bill.

Another provision of the bill protects tobacco farmers and their families. I have never had any crusade against the tobacco farmers. I understand the devastation in health that their crop can cause, but I have always felt they deserve a chance to find another livelihood. This bill gives them that chance. That is why I support it.

Let me speak to the amendment before us, the Durbin and DeWine amendment. It is a look-back provision.

Now, we could give all the speeches we want to give on the floor of the Senate and in the Chamber of the House decrying teen addiction to tobacco products, addiction to nicotine. We can pass all the bills we want saying that as a Nation we are going to come to grips with this, and I am afraid we will not achieve our goal unless we are very serious and very specific. In fact, in every State in the Nation it is against the law for minors under the age of 18 to purchase tobacco products, and yet clearly they do on a daily and overwhelming basis. So the mere enactment of a law has not achieved our goal.

Why is the McCain bill any different? It is different because one important facet of this bill is included. It is the so-called look-back provision. The look-back provision is accountability; it is honesty. It says that as the years go by we will measure the number of teen smokers in America, and if that percentage does not come down, the tobacco companies and tobacco industry will be held accountable in terms of fees that need to be paid as they miss these targets.

That accountability brings reality to this debate. We can have the highest flying speeches, the most voluminous rhetoric, and yet we will not achieve our goal unless we are specific. Is this a matter that should concern us? Consider this chart for a minute. It is a troubling commentary on what is happening in America.

This chart shows the percentage of high school students who currently smoke cigarettes. Look at from 1991 to 1997. In every grade, 9th, 10th, 11th and 12th, across America, there has been an increase in the percentage of students who are smoking. In fact, the increase over the six years has been 30 percent. While we have given all these speeches, while we have talked about this problem, while the President, the Vice President, the Secretary of Health and Human Services, and so many others have addressed it, we have, in fact, seen the children of America ignoring it. They have taken up this habit, and as they take it up more and more kids are vulnerable.

For those who do not think this is a real American family issue, I pose one question which I always pose in this debate: Have you ever met a mother or father who came to you at work one morning and with great pride and a smile on their face said, ''We have great news at home. Our daughter came home last night and she started smoking.'' I have never heard that. In fact, just the opposite is true. Parents who suspect their kids have started smoking are worried. They understand the danger. They understand the addiction. And they understand better than most why this debate is so critically important.

Some argument is made as to whether or not the increase in the price of tobacco products will reduce usage by children. The Senator from Missouri, who spoke before me, talked about all sorts of surveys that came to an opposite conclusion. I would point to two that confirm the belief in this bill that if you raise the price of the product, children are less likely to use it.

In Canada, just to the north, when they imposed a substantial increase in the Federal tax on tobacco products, they had a 60-percent reduction in children who were smoking. Kids are price sensitive; they don't have all the money in the world, and when the price of the product goes up too high, they stop using it or reduce their usage. Canada is a perfect example.

On the academic front, at the University of Illinois, Dr. Frank Chaloupka has performed a study in which he has surveyed cigarette prices and whether or not they have any impact on the percentage of youth smoking. He says:

> Based on this research, I estimate that a $1.50 increase in the federal cigarette tax, implemented over three years and maintained in real, inflation adjusted terms, will cut the prevalence of youth smoking in half.

The bill sticks to $1.10, and the percentage decrease may not be as high or as dramatic, but clearly it will be a decrease. Increasing the cost of the product reduces its usage.

I find it interesting that my colleague from Missouri talked about the so-called cash cow that this $1.10 creates, the billions of dollars brought into the Federal Treasury because of this increase in the Federal tobacco tax. I think this is money that is going to be raised for good purposes, to reduce teen smoking, to invest in medical research, to invest in smoking cessation, and to help tobacco farmers in transition.

It is interesting that so many of the critics of this bill, who argue we need no tax whatsoever, are anxious to spend the proceeds from that tax. Reference is made to the marriage penalty, an interesting tax challenge which we should take up at some point. But the people who are opposed to this bill want to take the proceeds from the bill and spend them on correcting this tax anomaly, the so-called marriage tax penalty. They cannot have it both ways. You cannot decry this bill as a so-called cash cow, raising taxes that are unnecessary, and then make all sorts of proposals on how to spend it, and certainly proposals which have little or no relevance to the question of whether or not we are addressing the scourge of smoking addiction in this country.

Let me also speak for a moment to the Food and Drug Administration. It is true that Dr. David Kessler, who is a friend and someone I worked with for many years, showed extraordinary courage, with President Clinton and Vice President GORE, in an initiative to reduce smoking in America. They took a lot of heat for it, because they took on the tobacco industry and they suggested they were going to get serious about it. They were going to try to view nicotine as the drug that it is. They were going to try to hold accountable retailers who were selling to children. And they were going to establish standards across America—for example, asking for identification for the purchase of tobacco products. When they proposed this, their critics went wild: ''Oh, it is overreaching by the

Federal Government. It is just entirely too much.'' Yet they were on the right track, a track which we follow today.

Let me try to zero in specifically on the Durbin-DeWine amendment. The fact that this amendment is being debated today has a lot to do with 40 State attorneys general who filed lawsuits against the tobacco companies, seeking to recover, for their States and taxpayers, money that was spent because of tobacco products. Last year, as a result of the aggregate effort of these attorneys general, a general agreement, or settlement, was reached. Part of that agreement included these so-called look-back provisions. The agreement said that the tobacco industry was willing to be held accountable to reduce the percentage of young people smoking. If they did not reach the goals, they would be penalized. So the idea of a look-back provision is not something being foisted on the industry or something brand new on Capitol Hill; this is an idea that was endorsed by the tobacco companies as part of their agreement with the State attorneys general.

The difference, of course, in the DeWine-Durbin approach, is that we take this from an industry assessment, from an industry fee, and say let's look, instead, to the specific tobacco companies. Senator MCCAIN of Arizona, in his bill, says we should do that for roughly a third of the penalties involved. Senator DEWINE and I think it should be a larger percentage. Let me explain to you why we think it should be larger.

Consider this for a moment. Some of my critics come to the floor and say it is impossible for us to measure how many children smoke how many brands of cigarettes. In fact, my friend, the Senator from Texas, says it doesn't pass the laugh test, to think that we would be able to measure how many underage kids are smoking Camels or Marlboros or Kools or Virginia Slims.

Let me suggest to him and others who criticize this amendment, the tobacco companies have extraordinary resources and ability to measure the use of their product. If you challenged Philip Morris to tell you how many left-handed Latvians smoke Marlboros, I bet they could come up with the number. If you challenged R.J. Reynolds to come up with how many tongue-tied Texans use Camels, I'll bet they could come up with the number. Because they market these products and these brands on a very specific basis. They want to know not only how many they are selling, but to whom they are selling them because they have billions of dollars of advertising that they are going to focus in, to try to win over new groups.

So the suggestion that we cannot measure the number of young people using certain brands of cigarettes just defies common sense. The industry has this ability. It has this knowledge. It is a sampling technique that is used by businesses across America, and it can be applied here. Senator DEWINE and I seek to apply this standard in this situation. We believe—and I hope my colleagues will join us in the belief—that it is eminently fair for us to hold each tobacco company accountable.

Let us assume, for example, that R.J. Reynolds takes this bill very seriously and says they are going to stop marketing their product to children, that they are no longer going to be selling Camel cigarettes to kids. They tell their retailers: ''Don't let that pack go over the counter. Don't sell it to a child. We are very serious about it. Or we may cut off your access to our product.'' They say to the people who are doing the advertising and marketing: ''Get honest about this. Make sure that we don't advertise around schools. Make sure that we don't have all these promotions with Camel hats and shirts and all the rest of it.''

And let's say they are successful. Should that conduct on their part, that positive conduct, be rewarded? Of course it should. In contrast, if Marlboro and Philip Morris, for example, decide they don't care, they just go on selling as usual, and in fact you see kids, more and more kids, turning to their brand, should they be held accountable for that decision? Why, of course they should. Company-by-company accountability makes sense. It says to the tobacco industry: This is not just an industry problem, this is a company challenge. Get serious about it.

I was somewhat amused that the Richmond, VA, Times-Dispatch yesterday came out with a story from the Philip Morris company. For someone who has been battling this issue for a long time, it is hard to imagine, but Geoffrey Bible, chairman of the Nation's largest tobacco company, told employees in New York that he has recently appointed a senior executive to ''design more actions'' to back up the company's long-held claim that it does not try to appeal to youngsters.

What a great epiphany it must have been in Richmond, VA, for Philip Morris to finally realize we are talking about them, we are talking about their marketing and advertising techniques, and we are talking about the possibility, if they do not get serious and start reducing sales to youth, that in fact they are going to have to pay for it.

The Durbin-DeWine amendment says that payment should be directed at the companies based on their conduct. If they are positive and reduce sales to children, they will be rewarded. If they ignore this bill and they ignore these goals and end up selling more to children, they should pay a price for it. I don't think that is unreasonable.

I want to salute, incidentally, the State attorneys general who started this ball rolling. Some have been critical of them. I have not. We would not be here today without their initiative and without the progress that they made. Particularly, I would like to salute Attorney General Skip Humphrey of Minnesota. He hung in there for a long time, and, literally before the jury retired to consider a verdict, he settled the case for over $6 billion for the taxpayers of Minnesota. That is great news for those taxpayers and Attorney General Humphrey. But equally important, during the course of his lawsuit he managed to draw out even more documents from the tobacco industry. It seems that the more and more documentation we bring out, the more obvious it is that these tobacco executives have been lying to us for decades. They have, in fact, been targeting kids.

We have so many examples. I can't read them all to you here, but from a 1981 memo, a Philip Morris researcher said:

> Today's teenager is tomorrow's potential regular customer.

A 1973 Brown & Williamson memo said:

> Kool has shown little or no growth in share of users in the 26-plus age group. Growth is from 16 to 25 year olds. . ..

Remember, at the time, it was illegal to sell their product to 16-year-olds in some States, and, yet, they were making it very clear it was part of their marketing strategy. The list just goes on and on of these companies that made conscious marketing decisions to sell to children. They knew they had to recruit these kids. If the kids turned 18, it was unlikely they would become smokers. All of these documents and evidence have really made the case.

Our look-back amendment says we are going to take this very seriously on a company-by-company basis. Let me address for a moment some of the criticisms that have been leveled against this amendment.

First, if you support the McCain bill, which has a company-specific payment in it, then you must necessarily reject the argument that you cannot assess on a company-specific basis. McCain assumes that, I assume it, common sense dictates that, in fact, the companies market their brands to specific groups and can measure the success of their marketing and sales. The Durbin-DeWine amendment takes the McCain premise of the fee assessed on a company-wide basis and expands it. So for supporters of the McCain bill, the Durbin-DeWine amendment is consistent with the methodology that is used.

Second, this will not lead to price increases. The Durbin-DeWine amendment is just the opposite. Some are arguing the look-back provision means the cost of the tobacco product is going to go up. Well, not necessarily. If, for example, in the case that I used, R.J. Reynolds is doing a good job and they are not assessed a surcharge, but Philip Morris is doing a bad job and they are assessed, then Philip Morris is going to have to find a way to absorb that payment in their cost on the bottom line, because to raise the price of their products puts them at a competitive disadvantage with the people at R.J. Reynolds.

The Durbin-DeWine amendment is specific in saying any payment that is

assessed is going to be absorbed by the company in their bottom line. Let me give you an example of the breadth of this payment.

If a company misses the target by 20 percent—in other words, we are saying we are going to reduce teen smoking by so much percent—15 percent, 20 percent, 30 percent—and it turns out they miss it by 20 percent, by a large margin, under our amendment their payment would add up to about 29 cents a pack. It sounds like a lot of money. It is, but don't forget for a moment that the tobacco companies' profit on each package of cigarettes is 40 cents. So our amendment is not going to drive them out of business. It simply is going to tell them their profits are on the line unless they stop selling to children.

Some have argued that our surcharge is too high and will increase costs to $7 billion instead of the underlying bill's $4 billion. That is not accurate, either. The underlying bill is kept at $4 billion in industry-wide payments, but it also has company-specific payments as well. The Durbin-DeWine amendment draws a line and puts an absolute cap at $7 billion in total.

The two approaches—the bill and our amendment—have similar aggregates if the companies miss by large amounts.

Third, it has been said that this amendment is punitive—punitive. Our approach is not punitive. It reduces the industry-wide payment that applies to companies that, in fact, reduce their youth smoking while other companies fail to do so. It increases the surcharges on companies that continue to market or sell to kids. That is not punishment, that is accountability.

And fourth, as a sign we are not punitive, we have capped the amount that can be charged. It has been pointed out that we require payments of as much as $240 million per percentage point, but keep in mind, too, that the underlying bill also has provisions in there for payments by percentage point. The lifetime social cost of hooking each youth smoker is $400 million. We are still charging companies less than the social cost of their continued sales to youth.

I will conclude my time that has been allotted under the unanimous consent agreement by showing on this chart what happens under the Durbin-DeWine amendment as opposed to the McCain bill.

If companies miss by 5 percent, the amount they are charged is $240 million under our amendment, and it is $190 million in the underlying bill. At 10 percent, you can see the numbers, and 20 percent as well.

The Durbin-DeWine amendment sets out to achieve several goals on which I hope all Senators, regardless of party, will agree. We reduce the number of youth smokers by 450,000 over the McCain bill. We reduce the number of premature deaths by 150,000 with this amendment. We reduce by $2.8 billion the lifetime social costs that are attached to smoking addiction, diseases, and death. And we have the same target in reduction as the original proposed settlement with the States attorneys general.

I hope those who have listened to this debate will understand what we are about here. This look-back amendment is more than just a technical approach. It is, in fact, an approach which requires honesty and accountability. The tobacco companies hate this amendment like the devil hates holy water, because this amendment holds them accountable and says, ''We don't want to hear anymore verbiage from you about reducing teen smoking. We want to put it in writing. We want to put it on the line. We want you to be held accountable, and you will be held accountable. And if the Durbin-DeWine amendment is adopted and you continue to push your product on children and this addiction rate among our kids continues to grow, you will pay through the nose.''

That is hard talk, I know. This is a hard subject. We are talking about the No. 1 preventable cause of death in America today. That is why this historic debate is so important, and that is why no other political diversion that has been raised on the floor should be taken seriously. Let us get about the people's business. Let us do something to give our kids a chance to be spared the scourge of addiction to nicotine and tobacco products.

Mr. President, I yield back the remainder of my time, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WYDEN. 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. WYDEN. Thank you, Mr. President.

Mr. President, and colleagues, the single most important step this Congress can take to protect our youngsters from the tobacco companies that prey on them is to hold each of those companies individually accountable. And that is what the look-back legislation does that is now before the Senate.

I would like to spend just a few minutes talking about why this is such a critically important amendment in terms of protecting our children.

History shows, and shows very clearly, that each time the Congress tried to rein in the tobacco companies in the past, the tobacco companies would use their enormous marketing, entrepreneurial and public relations skills to get around those efforts. So this amendment offered by our colleagues, Senators DURBIN, DEWINE, myself, and others, provides an opportunity to literally reverse the course of history.

Previous efforts were always evaded by the tobacco companies. They were able to get around efforts to restrict electronic advertising; they were able to get around the early warning labels that were passed by the Congress. When our colleague on the other side of the Congress, the late Mike Synar, passed legislation to ensure that the States would take strong action to enforce the antisales laws to minors, the tobacco companies got around that. And the reason is that past policies never provided a way to hold each individual company accountable.

So that is why this legislation is so very important. I would submit to my colleagues—I argued this in the Senate Commerce Committee when, as the Presiding Officer knows because I offered a similar proposal there as well—that this is really the key, if you want to see tobacco companies clean up their act and do what they have long said they would do, and that is, stop targeting the youngsters of our country.

If you really do not want to change business as usual, vote against this amendment. If you think that tobacco companies will do it on their own, then you ought to oppose this amendment. But if you want to change the course of history and make sure that we have the tools to hold the companies accountable when they again, as they have done throughout history, look for ways to get around this legislation, if you really want to get the job done right, then vote for this amendment offered by our colleague from Illinois.

The tobacco companies have spent vast sums in recent months arguing that this sort of legislation really isn't needed, that they would take strong action on their own and that they have cleaned up their act from years past. In the Senate Commerce Committee, we heard that argument. As the Presiding Officer knows, we heard from all the CEOs at that time. Given the fact that many of the documents and the accounts of past industry misdeeds were pretty old, a number of us were inclined to say it is a new day. Let us see if the tobacco companies are going to be better corporate citizens. Let's see if they have cleaned up their act.

As we prepared for those Commerce Committee hearings, Mr. President, I learned that the Brown & Williamson Company was again engaging in conduct that did not really reflect what they and other companies were saying in the ads that they were running at that time about how it is a new day and they have cleaned up their act.

A brief bit of history for the Senate I think would be revealing.

I participated, as a Member of the other body, in the hearings in 1994 where the tobacco executives then under oath, told me that nicotine isn't addictive. Of course, they contradicted every Surgeon General for decades. But there was actually a revelation at that hearing that perhaps was equally remarkable. At that hearing, it was brought to light that the Brown & Williamson Company was genetically

altering tobacco plants to give it an added punch as a way to attract smokers—shocking evidence. And when brought to light, the Brown & Williamson Company pledged to the committee, to the country, that they wouldn't engage in that kind of conduct again.

As we prepared for our hearings in the Senate Commerce Committee, we began to hear about news reports that the Brown & Williamson Company was using genetically altered tobacco, known as Y–1, in cigarettes and selling them both here and abroad. So when the executives came before the Senate Commerce Committee I asked them about this. In their words, the CEO of the Brown & Williamson Company said, ''We are working off a small stockpile of genetically-altered tobacco, and in fact that is being included in cigarettes in our country and around the world.''

As many in the Senate know, there is now a criminal inquiry underway. There have already been those who have pleaded guilty in connection with this matter. The Justice Department continues its investigation.

The reason I bring this up is this is a concrete, tangible reason why we need the amendment offered by the Senator from Illinois. The Senator from Illinois, our colleague, Senator DURBIN, gives us a chance to reign in a company that engages in that kind of rogue action, action that is detrimental to the health of the American people, and action that, in fact, as recently as 4 years ago said they would never engage in again.

It is one thing to talk about conduct that is 20 or 30 years old; it is another thing to talk about conduct that stems from the 1950s. But it is quite another to see a company that makes a pledge to the American people that they will stop engaging in a health practice which is obviously detrimental to children and to our citizens, and then start it again, even while the hot light of the Congress is examining their conduct in considering legislation.

These companies are not going to change on their own, Mr. President. We are going to have to hold them accountable through legislation. That is why this amendment is so very important. I will tell my colleagues that I believe this amendment, in connection with the accountability requirements that the President knows we set up in the course of our Commerce Committee deliberations, is the single most important tool for reversing history and making sure that after this bill is passed and the tobacco companies try to get around it, that we will have some strong tools to rein them in.

I know we want to move to a vote on this, but I simply wanted to take a few minutes of the Senate's time to say that I think this is a critically important amendment. It is critically important for each Senator who really is serious about changing business as usual with respect to tobacco policy. The single most important concept the tobacco companies fear is accountability. They have not been faced with company specific accountability when we have passed previous legislation—warning labels, advertising restrictions, or the Synar amendment. They never had to face an amendment like this that would say, look, we are actually going to require you to produce results.

I hope our colleagues will, as reflected by the bipartisan authorship of this amendment—our colleagues, Senator DURBIN and Senator DEWINE—will pass this legislation. It is critically important for the youngsters of this country. It is the one part of this bill that will make sure that the job actually gets done in protecting youngsters, and not allow another piece of legislation, once again, to be evaded by the tobacco companies' genius, their marketing skills, and the vast sums that they will continue to spend with respect to marketing their products.

I yield the floor.

Mr. KERRY. Mr. President, I thank my colleague from Oregon for his continued, persistent, passionate commitment to trying to pass this legislation.

The Senator was referring to the extraordinary sums of money that the tobacco industry spends. Let me remind our fellow Americans that amount of money is $6.5 billion per year, $16.5 million per day, $700,000 every hour to get people to smoke. What is most astonishing about this effort to get people to smoke is the degree to which it has been targeted at young people, targeted at children.

It is an extraordinary story. Nine out of 10 kids who smoke use one of the three most advertised brands, and yet less than 30 percent of adults use those most advertised brands. A study of 6-year-olds showed that just as many 6-year-olds—91 percent of all the 6-year-olds in this country—could identify Joe Camel just as they could identify Mickey Mouse. That is an absolutely extraordinary statement.

Now, there is a reverse side of how extraordinary these statistics really are, because for every American who smokes there is an American or two who are trying not to smoke. All of them will tell you—or almost all, 86 percent to 90 percent of them—they started smoking when they were teenagers. Most of them—again, many, many, analyses and polls have been done of this—most of those people who started smoking as teenagers will tell us if they could quit today, they would quit today and never start again. If they had the choice to make again, they wouldn't choose to smoke. But they smoke because they are addicted. They are hooked.

The truth is, in the United States of America we have more people spending more money to try to get unhooked on an annual basis than we spend on day care. That is most extraordinary. I found it hard to believe when I heard that. In Massachusetts alone, our citizens are spending $1.3 billion a year on nicotine patches, on different kinds of gums, on therapy, on hypnosis, on all of the things that people go through to try to stop. We are spending $1.3 billion a year in Massachusetts alone. Extrapolate that out across the country—it is millions of dollars more than the Federal Government commits to day care for our children. The reason this happens is because people get hooked at the early stages.

Now, I want to share with my colleagues something about getting hooked in the early stages. We continue to hear colleagues come to the floor and say, gosh, this is going to raise money in the expense of cigarettes, and that is not a good thing. But they never address the amount of money that Americans are spending because of people who smoke. They never address the tax that cigarettes ''whack'' every American, even those who don't smoke. Every single household in America is spending an unwanted, unrequested, undesired 1,300 plus dollars —1,370 or so dollars. Every household in America spends that, whether they want to or not, on the cost of the other Americans who smoke and then get sick.

Let me share a story about some Americans who smoke and get sick, a commentary in USA Today by Victor Crawford. The title is ''Tobacco was Dad's Life; It Also Took his Life.'' I read from the article:

> My father never had a chance. When he was growing up in the 1940s, almost everyone smoked cigarettes. He said it was the thing to do. It was not until 1964 that the U.S. Surgeon General declared smoking was harmful. But by then, my father had been addicted for almost 20 years. His addiction finally killed him last March, one month before his 64th birthday.
>
> When my father was diagnosed with throat cancer in 1991, some thought he had it coming to him. You see, my father was a Maryland State senator turned tobacco lobbyist. He was the first to dismiss the antismoking people as ''health Nazis'' but spent the last years of his life trying to undo the damage he had done. He admitted he had lied, and he apologized for claiming, ''There is no evidence that smoking causes cancer.'' Unfortunately, tobacco lobbyists understand this simple logic all too well. Like my father, most smokers today start when they are about 13 years old. And since about 90 percent of all new smokers are 18 and under, the industry needs to keep hooking kids to stay in business.

I will skip through a little bit, turning to the end:

> My father said, ''Some of the smartest people in America work at just one thing: trying to figure out how to get young people to smoke. As tobacco kills off people like me, they need replacements.'' My father didn't live to see his daughter graduate from college; he won't meet my future wife, nor will he walk my sister down the aisle at her upcoming wedding; he will never know his grandchildren, and they will never meet their grandfather—all because when he was 13, smoking was the thing to do. Let's give today's kids a fighting chance.

Mr. President, that is why we are here in the U.S. Senate. We have been tied up for more than a week now trying to give kids a fighting chance.

There is only one reason this bill is on the floor of the Senate: because every expert in America, including the tobacco companies, tells us that if you raise the price of cigarettes, you will reduce the number of young people who smoke. And if we reduce the number of young people who smoke now, we will reduce the 420,000 Americans who die every year as a result of a smoking-related disease, such as cancer of the pancreas, cancer of the larynx, cancer of the throat—one cancer or another—and heart disease and liver disease.

The Presiding Officer understands better than anybody, as a practicing physician and one who has been a key architect in helping to get this bill in a position to pass it, that this bill is about stopping kids from smoking and reducing the costs to America, the costs to families, the unwanted, unrequested costs of smoking. Families who result with a disease that comes from smoking wind up paying tens of thousands of dollars more in health insurance. But the impact for those people who don't have insurance, or adequate insurance, is to raise the insurance costs for everybody in America, raise the costs of all of our hospitals, raise the costs for families who can ill afford it.

Mr. President, this is the first opportunity the U.S. Senate has had to address an extraordinary history. I want to share that history with my colleagues. It is now known that the tobacco industry helped to create this mess by targeting young people, by creating replacement smokers. Many of my colleagues may not have had an opportunity to focus precisely on the degree to which that has been true and the degree to which, therefore, this effort to try to raise the price of cigarettes and create a series of efforts to prevent young people from smoking through cessation programs, counteradvertising, and other efforts, is so important.

In 1975, the R.J. Reynolds company, in a memorandum, wrote the following:

> To ensure increased and longer-term growth for Camel filter, the brand must increase its share penetration among the 14–24 age group, which have a new set of more liberal values and which represent tomorrow's cigarette business.

That is the R.J. Reynolds company talking about targeting the 14- to 24-year-old age group because they are ''tomorrow's cigarette business.''

> They represent tomorrow's cigarette business. As this 14–24 age group matures, they will account for a key share of the total cigarette volume for at least the next 25 years.

That is an R.J. Reynolds tobacco company executive, a vice president for marketing, C.A. Tucker, on September 30, 1974.

Let me read what Mr. C.A. Tucker also said:

> This suggests slow market share erosion for us in the years to come unless the situation is corrected . . . Our strategy becomes clear for our established brands: 1. Direct advertising appeal to the younger smokers.

Let me read what Dianne Burrows, a researcher, wrote in a memo for R.J. Reynolds in 1984:

> If younger adults turn away from smoking, the industry must decline, just as the population which does not give birth will eventually dwindle.

In the same memo, it says:

> Younger adult smokers have been the critical factor in the growth and decline of every major brand and company over the last 50 years. They will continue to be just as important to brands/companies in the future for two simple reasons: the renewal of the market stems almost entirely from 18-year-old smokers. No more than 5 percent of smokers start after the age of 24.

That is an R.J. Reynolds research memorandum, telling us that people don't start smoking after age 24. They targeted young people and got them hooked with a narcotic killer substance.

> Brands/companies which fail to attract their fair share of younger adult smokers face an uphill battle.
>
> Younger adult smokers are the only source of replacement smokers.

So kill them off and replace them. Kill them off and replace them. That is the way it has been.

This is a Brown & Williamson memo from consultants recommending that the company consider Coca-Cola or other sweet-flavored cigarettes. The 1972 memo says:

> It's a well-known fact that teenagers like sweet products. Honey might be considered.

They were talking about a way to try to sweeten cigarettes and get more young people hooked.

Another Brown & Williamson memo said:

> Kool has shown little or no growth in share of users in the 26 [plus] age group . . . Growth is from 16–25 year olds. At the present rate, a smoker in the 16–24 year age group will soon be three times as important to Kool as a prospect in any other broad age category.

Let me share a Philip Morris document with you. We are going to spread this around. We have had some from R.J. Reynolds and Brown & Williamson. This is from a report sent from researcher Myron E. Johnson to Robert B. Seligman, then vice president of research and development, in 1981:

> We will no longer be able to rely on a rapidly increasing pool of teenagers from which to replace smokers through lost normal attrition . . . Because of our high share of the market among the youngest smokers, Philip Morris will suffer more than the other companies from the decline in the number of teenage smokers.

So here you have Philip Morris, particularly, concerned about the loss between different companies, targeting teenagers.

This from the same report of Philip Morris:

> Today's teenager is tomorrow's potential regular customer . . . The smoking patterns of teenagers are particularly important to Philip Morris . . . the share index is highest in the youngest group for all Marlboro and Virginia Slims packings.
>
> Marlboro's phenomenal growth rate in the past has been attributable in large part to our high market penetration among young smokers . . . 15 to 19 years old . . . my own data, which includes younger teenagers, shows even higher Marlboro market penetration among 15–17 year olds.

This is from a different document, Mr. President. This is a Philip Morris internal document in 1987. This came from the Minnesota case. This was an exhibit in the Minnesota trial. This may explain one of the reasons that Minnesota finally reached a settlement.

> You may recall from the article I sent you that Jeffrey Harris of MIT calculated . . . the 1982–1983 round of price increases caused two million adults to quit smoking and prevented 600,000 teenagers from starting to smoke. Those teenagers are now 18–21 years old, and since about 70 percent of 18–20 year-olds and 35 percent of older smokers smoke a PM brand, this means that 700,000 of those adult quitters had been PM smokers and 420,000 of the non-starters would have been PM smokers. Thus, if Harris is right, we were hit disproportionately hard.

Here is the kicker: ''We don't need this to happen again.''

In other words, we don't need to lose these smokers again. We have to find a way to penetrate—that, and the young people. But the most important thing is they found that their price increase caused 2 million adults to quit, and it prevented 600,000 teenagers from starting to smoke.

That is a cigarette industry document. For those Senators who keep coming to the floor saying, ''Why are we raising this price?'' all they have to do is read the cigarette companies that they are inadvertently, or otherwise, protecting on the floor by not voting for this legislation, because the cigarette companies themselves will tell you, raise the price and they lose business. That is precisely why people agreed on a volume adjustment in the process of arriving at how much money is going to be gained over the course of the life of this legislation.

Let me read from a different Philip Morris memo.

> The teenage years are also important because those are the years during which most smokers begin to smoke, the years in which initial brand selections are made, and the period in the life cycle in which conformity to peer group norms is greatest.

Mr. President, here we have an admission by Philip Morris of what everybody has known—that they are actually targeting the peer group which they know to be the most susceptible to exactly the kind of advertising that they geared up.

> The teenage years are also important because those are the years during which most smokers begin to smoke . . . the period in the life cycle in which conformity to peer group norms is the greatest.

That is extraordinary.

So the cigarette companies willfully played on the time period of greatest peer group pressure and played to the peer group pressure. So it is today that we can hear from people who are in wheelchairs who have lung transplants like Pam Lafland, who I quoted a few days ago, who tells a story today of her

starting, as just that kind of peer group pressure person who responded to the notion, ''Oh, boy. If I smoke a cigarette, I am going to look older.'' Today she looks a lot older. Today she is trying to take care of her kids out of a wheelchair.

Mr. President, that is what this is all about. Let me read from a different R.J. Reynolds Tobacco Co. marketing report on the future of Winston. This is 1990—15 years ago already of reports that we are looking at.

> Winston, of course, faces one unique challenge . . . . It's what we have been calling the 'doomsday scenario'.

Get this, the ''doomsday scenario.''

> . . . an acute deficiency of young adult smokers, apparently implying Marlboro's final domination and our utter demise within a generation.''

The ''doomsday scenario''—that they are not going to get enough young people hooked on Marlboros, and down they go.

Here is a 1969 draft report from the Philip Morris board of directors:

> Smoking a cigarette for the beginner is a symbolic act . . . . 'I am no longer my mother's child, I am tough, I am an adventurer, I'm not square' . . . . As the force . . .

This is really.

> * * * As the force from the psychological symbolism subsides, the pharmacological effect takes over to sustain the habit * * *

Mr. President, that is one of the most remarkable admissions from a company that we have had in this entire debate. I want to rephrase it.

What they are saying is that after they have abused a young person's susceptibility to peer pressure, after they have exploited this young person's availability to get them into smoking, they acknowledged in 1969 that once the psychological symbolism is gone, it is the pharmacological effect that sustains the habit. In other words, they are hooked. They are addicted. They got to have it.

Here is a Lorillard executive in 1978: ''The base of our business is the high-school student.''

Mr. President, there are pages and pages of the thoughts of the cigarette companies regarding their availability to cigarettes, all of which are the most profound fundamental documentation and for which the U.S. Senate must pass this legislation in the next days. There is no room for excuses in the face of the cigarette companies' own acknowledgments of what they have done to target generation after generation of Americans in order to get them hooked on a substance that is a drug, that is addictive and a killer substance which winds up costing Americans increasing amounts of money. costing Americans increasing amounts of money.

Mr. President, we have that opportunity here. We have the opportunity to do precisely what the cigarette companies themselves have now agreed to do. They settled of their own accord with a number of different States. And in their settlements with those States, they agreed to pay amounts of money, they agreed to curb advertising, they agreed to engage in cessation programs, and they agreed to raise the price of cigarettes—all of the things that we are seeking to do here in this legislation. There is no excuse for a U.S. Senator coming to the floor and suggesting that we shouldn't do at a national level in the U.S. Senate what the cigarette companies themselves have agreed to do in settlements with the States—no excuse. The States themselves have arrived at settlements. If you extrapolate the amount of money that they are paying in those settlements, it is more than the U.S. Senate has agreed in its denial of a $1.50 increase and more than it has agreed to raise in total in this legislation.

So this is not a matter of economic survival for those companies. This is a question of whether or not we are going to engage in an effort to reduce the access of our young people to cigarettes. That is what this is about.

I have heard some people complain, ''Well, you know, it is one thing to raise the money but we ought to do the right thing with the money.'' Then they start coming and diverting the money to a whole lot of things that have nothing to do with stopping kids from smoking.

It is going to take more than just a price increase to be successful in our goals. We need to guarantee that kids who are particularly vulnerable—kids who have difficult situations at home or kids who may leave school at 2 o'clock in the afternoon for whom there is no adult supervision between the hours of 2 o'clock and 6 or 7 in the evening—are not going to be left to their own devices in order to go out in the streets and meet a drug dealer, or subject themselves to the various peer pressures and wind up with smoking as a new habit.

Mr. President, we have the opportunity here to be able to make a difference in the availability of kids to that kind of free time. We have the opportunity to be able to provide cessation programs, which have been proven to work. California, Arizona, my own State of Massachusetts, have exemplary programs which are reducing the level of teenagers who are smoking, and they do it through various kinds of education—outreach, peer groups—different kinds of educational efforts within the classrooms and within the schools. But we need to train people in that. We need to train teenagers. You need the adequate development of teachers to be able to conduct that kind of pedagogy with which they may not be familiar. And you need to have an adequate supply of materials. You need to be able to help organize it administratively.

I think this bill is structured in a way that tries to afford the maximum opportunity to States and local communities to be able to decide how to do that. This is not some big Federal mandate. This is left largely for the States to be able to decide what works for them best and how they will organize their efforts. We have simply tried to outline those areas that by most expert judgments there is the greatest chance of really having an impact on children and making a difference in their lives.

So those outlines have been laid out as a menu, if you will, from which one could choose at the State level. It is not insignificant that the Governors, both Republican and Democrat alike, have signed off on that concept. If they are content that they can exercise their judgment adequately and that this gives them an opportunity to be able to continue the things that they have started, I think that ought to satisfy the judgment of those who often make a career out of fending for the right of States to make those decisions and a career out of opposing the Federal Government's heavy hand into something. This bill specifically, I think, appeals to both of those best options. I hope my colleagues will recognize that upon close analysis.

Mr. President, I simply wanted to refocus the Senate on the critical component of what brings us here. I think we have, hopefully, finally arrived at an assessment that there is only one reason for raising the price of cigarettes. That reason did not initiate itself in the Senate. It came from the tobacco companies themselves, from economists, from experts. It came from health experts, and it came from many focus groups and analyses, all of which have arrived at the conclusion that price is important.

Now, I thought, frankly, that Adam Smith and others had arrived at that conclusion a long, long time ago. I think most people in the marketplace have always known that most commodities are price sensitive, and the marketplace is price sensitive. Indeed, the tobacco companies have underscored that in their own memoranda which say they lost smokers as a result of their earlier price increases. What happened before will happen again. The question is whether we are going to maximize our effort in order to guarantee that kids get a lot more than just the price increase, that they get the kinds of guidance and the kinds of personal counseling and the kinds of personal education that will make a difference in the peer pressure, symbolic side of the choice that so many have made. And this ultimately will benefit every single American. If we are going to talk about the cost, let us talk about the cost to all of America of smoking—the cost through all of our hospitals, our pulmonary wards, through emphysema, the length of extraordinary care and its cost for those who have terminal illnesses as a consequence of smoking and the consequences to all other Americans who choose not to smoke but because of secondary smoke.

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

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. Will the Senator withhold?

Mr. KERRY. No.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GRAMM. 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. GRAMM. Mr. President, I ask unanimous consent that we proceed under the current status quo, that Members be recognized for the purpose of debate only, until 2:15.

The PRESIDING OFFICER (Mr. SMITH of Oregon). Is there objection? Without objection, it is so ordered.

Mr. GRAMM. Mr. President, I am not going to give a long speech this afternoon. We are working to develop a compromise to provide some cushion to basically blue-collar Americans who are going to bear the brunt of this massive tax increase that is before the Senate. I am hoping that we can reach an agreement, and that we will move forward in an orderly way. Let me say to my colleagues that I am determined to see that we do not allow the Senate to engage in one of the greatest bait-and-switch legislative activities in history.

Our dear colleague from Massachusetts has in passionate terms indicted the tobacco industry. If this is a trial of the tobacco industry, I vote guilty. If this is a lynching, I say hang them. But I want to remind my colleagues of one unhappy fact. And facts are stubborn things. The cold reality of the bill we have before us, all 753 pages of it, is that we can damn the tobacco companies all we want, and I join in that chorus. As to where conspiracies have been committed, we have a Justice Department which is largely unemployed in any other activity, let them investigate and prosecute. But I want to be sure everybody understands that nobody is talking about penalizing the tobacco companies.

What we hear day after day after day is a steady drumbeat of denouncing the tobacco companies while we have 753 pages in this bill that raise taxes on blue-collar America. In fact, we have a bill before us that not only does not tax tobacco companies but has the extraordinary provision that makes it illegal for them not to pass the tax through to the consumer. So tobacco companies are held harmless.

What we have here is a giant bait and switch. The bait is tobacco companies. Try them. Convict them. Hang them. But the switch is to impose $700 billion of taxes primarily on blue-collar Americans; 59.1 percent of this tax will be paid for by Americans who make less than $30,000 a year. In my State, 3.1 million people smoke. As you listen to all of this ringing debate, we are talking about these victims. The 3.1 million Texans that the tobacco companies have conspired to addict to nicotine are going to have taxes imposed on them under this bill. A blue-collar family, a husband who is a truck driver and a wife who is a waitress, will end up paying $2,030 of new Federal taxes if they smoke one pack of cigarettes each a day. So we are damning the tobacco companies but we are impoverishing the victims of the tobacco companies.

As my 85-year-old mother, who speaks with the wisdom that comes from being 85 years old, has said to me, ''I'm a little bit confused; you tell me that this guy Joe Camel makes me smoke and that I am a victim, but you turn around and tax me.''

Mr. KERRY. Will the Senator yield for a question?

Mr. GRAMM. I listened to the Senator speak for over an hour. All I want to do is make my point, and when I get to the end of it, I will yield.

So with the wisdom that comes from being 85 years of age, my mother, who has no formal education, has listened to this debate. She has listened to this vilification of the tobacco industry—and justifiable vilification I might add. Yet she has figured out that nobody is taxing tobacco companies, they are taxing her. She is the victim. The Government is here to help my mother. And how are we going to help her? Having been addicted to smoking for 65 years, and despite her baby son's efforts for 55 of those 65 to get her to stop smoking she is addicted, and she is not going to quit smoking. She has concluded that we are talking about how bad tobacco companies are for having gotten her addicted to smoking, but we are taxing her. The cold, persistent, unhappy fact is that 59.1 percent of these taxes will be paid by working blue-collar Americans who make less than $30,000 a year; 75 percent of the taxes will be paid by people and families that make less than $50,000 a year.

If this is not a classic case of bait and switch, I never heard one. All of the rhetoric is about keeping teenagers from smoking. I would love to do that. I would like to get people who are not teenagers to also stop smoking. I would love to do that. But why we have to give $700 billion to the Government to do that, I don't understand. I am struggling, opposing this organized effort and all of these people who are outside with their buttons on saying ''Give me your money.''

Secretary Shalala has said that the price increases will reduce smoking by 50 percent among teenagers. This bill sets a target of reducing smoking by 60 percent, so they are going to take $700 billion and all they claim they are going to be able to do with it is reduce smoking another 10 percent. Though it is interesting, when USA Today asked the American people in a poll if they believed this bill would stop people from smoking, 70 percent said no.

Here is my point: If we want to raise taxes to discourage smoking, that is one thing. But why do we have to keep the $700 billion? Why do we have to raise the level of Federal taxes on Americans making less than $10,000 a year by 41.2 percent? If the objective is to make cigarettes more expensive and discourage smoking, why do we have to impoverish blue-collar America in the process?

What I am saying is, if we believe that raising prices will discourage smoking, let's raise prices. But let's take at least part of the money that comes to the Government, and instead of paying tobacco farmers $21,000 an acre and letting them go on growing tobacco; instead of paying plaintiffs' attorneys $100,000 an hour for filing these suits; instead of setting up programs where every major Democratic contributor will have his charity or his interest funded by this program, why don't we raise the price of cigarettes, discourage smoking, and take the money and give tax cuts to blue-collar America so we are discouraging them from smoking, but we are not pounding them into poverty?

Maybe you can be self-righteous enough that you are not worried about a blue-collar couple in Texas paying $2,030 of additional Federal taxes if they smoke one pack of cigarettes a day. Maybe you are not worried about what that is going to do to their ability to pay their rent, to pay their groceries, to have any chance of saving money to send their child to college. But I am worried about it. I am not in any way made to feel better by damning the tobacco companies while writing a bill that protects them from paying this tax; a bill that mandates they pass the tax through to the consumer, which basically is blue-collar America.

I have an amendment that is very simple. It says: Raise the price of cigarettes, discourage smoking, but instead of letting the Government have this money, what one office seeker in my State has called ''winning the lottery'', instead of setting up a program that gives not thousands, not millions, but untold billions to everything from community action to international smoking cessation—it is obvious that people long since ran out of ideas as to how to spend the money—instead of engaging in this feeding frenzy, which will bloat Government forever, why don't we take some of the money and give it back to moderate-income people. So we raise the price of cigarettes, we discourage them from smoking, but we don't impoverish them?

I have picked probably the worst feature of the current Tax Code to try to fix as a part of this process. What I have done is targeted a part of the Tax Code where it is the policy of the Federal Government to discourage people who fall in love from getting married. I happen to believe the family is the strongest institution for human happiness and progress that has ever been developed. I don't understand a tax policy that says if you have a waitress and a truck driver who meet and fall in

love and get married, we are going to make them pay more taxes for being married than if they were single or lived in sin. Or if a CPA and a lawyer, working all the way up and down the income structure, fall in love, get married and have a whole bunch of children who can pay Social Security taxes in the future and solve America's problems in the future, we tax them an average of $1,400 a couple because they got married. As my colleagues have heard me say on many occasions, my wife is worth $1,400, and I would be willing to pay it, but I think she ought to get the money and not the Government.

So what my amendment does is take roughly a third of this money in the first 5 years, and then half of it in the second 5 years, letting them spend two-thirds of this money, more money than you would possibly spend efficiently if your life depended on it. People who would have been happy with thousands now will be given billions. Tobacco farmers will, in 6 months, take a quota for growing tobacco they could buy today for $3,500, and we are going to pay them over $21,000 for it in this bill. I personally don't know why these quota prices have not exploded, given this bill is out there. Maybe they figured out this bill is not necessarily going to become law. Rather than do all of those things, I am saying, let's raise the price of cigarettes so we try to discourage people from smoking—which is God's work; I am for that—but take a third of the money and instead of letting Government spend it, let's eliminate this marriage penalty for couples who make less than $50,000 a year so that while the price of cigarettes goes up, we don't impoverish people.

That is basically what my amendment does. I hope my colleagues are going to support it. Our Democrat colleagues do not really want to give this money back. They don't like giving money back. They like spending it. And they think anybody who works is rich and they ought to be giving more than they are giving.

But their idea is: Take my amendment and water it down to almost nothing, and then get all their people to vote against my amendment. Then get them to come back and vote for their figleaf, amendment. Then they can all go home and say, ''Repeal the marriage penalty? I was for repealing the marriage penalty; it is just I didn't want to do it the way that Republicans wanted to do it. But I am with the family. I'm with the blue-collar worker. I represent the blue-collar worker.''

I am hopeful we can reach an agreement that will guarantee that I will get 51 votes for my amendment. If anybody wants to watch the debate, once it goes over 51 votes, I predict that at least 20 or 25 percent of our colleagues who have not voted for it will immediately rush and vote for it once it is adopted. We might watch that at the conclusion of this vote.

In any case, the point that I want to reiterate, because it gets lost in this whole process, is a simple point: Everything that is being said about the tobacco companies I agree with. If we are here to indict them, they are indicted. If we are here to convict them, they are convicted. If we are here to hang them, let the hanging begin. But despite all that rhetoric, which is interesting and appealing and it makes us feel good, in the end, 59.1 percent of this tax is being paid by American blue-collar workers who make less than $30,000 a year.

The tobacco companies, on the other hand, have a provision that even if one tobacco company should say, ''Well, I could get a market advantage by not passing this through,'' they have legal protection that makes them pass it through to be sure the blue-collar worker gets all of the tax burden and that none of it is absorbed by the tobacco companies.

All I am trying to do is say this: Don't get blue-collar Americans, who are the victims of the effort by tobacco companies to get people to start smoking, confused with tobacco companies. If you want to impose taxes on tobacco companies, have at it. If you want to drive them out of business, have at it. But you are not going to do that, because basically there is a rule that every parasite learns. If the organism is to survive, you don't kill the creature on which you engage in the parasite activity. You bleed the host creature, but not to the last drop of blood.

My view is, I care nothing about the tobacco companies and, if you want to destroy them, have at it. But I do care about 3.1 million Texans who smoke. Many of them would like to stop. My mother would like to quit smoking, but she is not going to quit smoking.

All I am saying is, don't get tobacco companies and workers confused. And I am talking about taxpayers. If the price increase, according to Secretary Shalala, is going to cut consumption by 50 percent and the target of this bill is to cut consumption by 60 percent, then this $700 billion is getting you 10 percent more, supposedly. I just don't see how you can spend that much money.

If you look at what is being done, it is clear that much of what is being funded in this bill has nothing to do with smoking. For example, we mandate that the States spend the money we give back to them on maternal and child care block grants, on funding child care, on federally-funded child welfare, on the Department of Education Dwight D. Eisenhower Professional Development Program under title II of the Elementary and Secondary Act, and it goes on and on and on and on, because nobody has ever had this much money before to spend.

Actually, this is a modest proposal. What I am saying is, give a third of what we take in cigarette taxes back to blue-collar workers so we get the benefits of the higher price of cigarettes but we don't impoverish blue-collar America by making it fund the largest growth in Government that we have seen since the mid-1960s.

I hope my colleagues will support this amendment. One way or the other, I hope to see it adopted. I want to get a vote on it. I want America to know who is for it and who is against it. That is the essence of democracy—accountability. I think this is an issue on which we need some accountability.

Quite frankly, I think my amendment improves this bill. We ought to be giving about 75 or 80 percent of the money back in tax cuts. We need to have an effective but reasonable program for antismoking, and we need to throw out about 745 pages of this 753-page bill so that it is really about smoking and not about the largest money grab that has occurred in Congress in my period of service.

This amendment is a first step in the right direction. I hope it is not the last step. I understand there are others who are going to be offering provisions related to tax breaks for health care and other items, but this is a logical place to start, and it is where I want to start.

Mr. President, I yield the floor.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I was entertained listening to my friend from Texas, who makes some pretty broad statements about who is for what and who supports what. I think I heard him just say Democrats don't really want to give the money back but the Republicans do. Maybe he wishes that were the fact, and sometimes the wish is the father to the fact, but not in this case.

As far as I know, Democrats are wholeheartedly in favor of a fairness that has escaped every single proposal that the Senator from Texas has ever brought to the floor with respect to taxes. There isn't one tax proposal that has passed the U.S. Senate in the 14 years I have been here that wasn't proposed on the Republican side of the aisle that wasn't made fairer by the efforts of Democrats on this side of the aisle. There isn't one tax proposal that the Senator from Texas and others have brought to the floor—not one—that wasn't geared to the upper-income level of people in this country, and usually at the expense of the low-income level of people.

My friend from Texas may wish it were otherwise, but the fact is that the distinction is not whether or not we want to give money back, the distinction is whom we want to give it back to and whom they want to give it to in the first place.

Every single tax bill I have ever seen worked on here, whether it was the capital gains distribution, or how it came in, or the depreciation allowances, or just on the income tax, or on efforts to roll back some of the impact of the payroll tax—in every single instance, we, I think, have been able to improve the distribution. Let me give a classic example.

In the agreement we reached last year, with much ballyhoo, on the budget, which brought us to the point of a balanced budget and on the available money for individuals earning $40,000 or less, under the proposal that the Senator from Texas supported and our friends on the other side of the aisle supported, a single-parent mother would have gotten zero income back, zero tax rebate, at $40,000 or less of income. And it was only when we refused to pass that legislation without changing it that she got something. In the end, we passed legislation which provided that single parent with an income of $40,000 with $1,000 of tax benefit rebate.

The distinction here is who gets what, and that will be the distinction in an alternative we will offer, if we have to, with respect to the marriage penalty, because we understand, just as well as the Senator from Texas, that the marriage penalty is unfair, the marriage penalty is an aberration in the context of the Tax Code, and has a negative impact on an institution that we respect equally with the Republican Party.

So we will offer, I think, in fact a fairer and better structuring of an elimination of the marriage penalty, and we will give the Senate another opportunity to vote on fairness. You can vote for Senator GRAMM's proposal, which will benefit not as many people at a lower income level as ours; and we will let others be the judge as to whether ours is, in fact, a fig leaf or yet another Democrat effort to make the Tax Code fairer and to protect people in the institution of marriage. I know where my vote will go. I know what I will be comfortable with based on that judgment.

So, Mr. President, the real issue here is, What is the distribution? The Senator from Texas stood there and said, ''All I want is one-third, just one-third. And then they'll have plenty of money to spend on all the other programs that they want.'' Well, analyze that and you find that is not true either. Because the Senator from Texas cannot control what other amendment may come that may try to grab additional revenue.

So the first grab may be the marriage penalty, but then you may have—you will have an additional amount of money for drugs; you will have an additional amount of money here or there; and unless the Senator from Texas is prepared to say he and his colleagues will stop trying to raid the effort to stop children from smoking, we would be hard pressed to say that it is only one-third of the money.

But there is another reason that one is hard pressed to say that it is only one-third of the money. Because, once again, the Senator from Texas has only told you part of the story. Here is the part of the story the Senator from Texas did not want to tell you. It is right here. The one-third of the distribution of the Senator's money on his approach to dealing with the marriage penalty, yes, it is about one-third in the first year—in the first 5 years. But in the second 5 years, it jumps up to $82 billion, which is 53 percent; in the next 5 years, because we are talking about a bill that works over 25 years—they are always coming to the floor and telling you it is a $700 billion bill or a $600 billion bill or a $500 billion bill, so when it is convenient for them, they talk about the numbers in the context of 25 years; but when it is inconvenient for them and it tells another side of the story, they try to limit it to just 5 years. Let us put it in the same context as the 25 years they are talking about.

In that 25-year context, Mr. President, here is the effect: The first 5 years, it is the one-third the Senator talked about. In the next 5 years, it is 53 percent. Wow. In the third 5 years, it is 80 percent of the amount of money available under this legislation. And in the last two sets of 5 years, it is 77 percent and 73 percent.

So the Senator is really talking about gutting—gutting—the effort to stop kids from smoking. And every time he comes to the floor he talks about all the things this bill does that is Government. Well, by gosh, a cessation program involves somebody organizing people to help people not to smoke. And since schools are where most of our children reside for the better part of a day or a good part of a day, and the better part of a year, it makes sense to involve our schools in cessation programs. To do that, you have to spend a little money and organize it.

State block grants—that has been something that I always thought the Republicans were for; they want block grants. They want to give the money to the Governors. ''Let the States have a decision as to what they want to do.'' As to education and prevention, smoking prevention, counteradvertising, those are important aspects. Enforcement, there is $500 to $600 million a year for enforcement.

We hear people coming to the floor and saying in one breath, they do not want to have this bill passed because it will increase smuggling; in the next breath they do not want to acknowledge the very Government they are criticizing that is spending money for antismuggling enforcement efforts.

So, Mr. President, it seems to me that on close analysis we will be able to make a strong judgment as to whether or not there is a fairness in the marriage penalty approach of the Senator from Texas, or whether it is just an effort to try to kill this bill.

I am for getting rid of the marriage penalty, and I will vote to find a way to do that. But it makes sense, it seems to me, to recognize that even if we pass getting rid of the marriage penalty on this bill, that is not going to stop one kid from smoking; that is not going to do one thing for additional research into why people get addicted; it is not going to do one thing for counteradvertising to stop kids from smoking.

So we can go home and feel good because we took the tobacco bill, which is geared to try to stop kids from smoking, for which the Senator has agreed the price increase is targeted, and you turn out passing the marriage penalty. If you take too much of it, you begin to strip away at the ability to accomplish the purpose of the bill.

I am prepared, as I know other Democrats are, to vote for a legitimate amount of money so that we can parcel the appropriate proportion of these revenues to the job of reducing the number of kids who smoke. But I think there is a place where common sense says you have to stop if it goes too far in stripping us from the fundamental purpose of this bill itself.

I also point out that there are other areas that will want to compete for some of this funding. I think it is important for Senators to think about the overall amount of money that would be available for those purposes.

The final comment I make is the Senator from Texas spent a lot of time saying how this bill is misdirected. He is crying for the poor people who are going to pay for an additional cost of a pack of cigarettes. He says how misdirected this bill is because it comes down on the victims, and not on the tobacco companies. But then he says he is willing to raise the price.

You cannot have it both ways, Mr. President. You just cannot have it both ways. There is no way to focus a tax on the tobacco companies, whatever you call it. I heard him the other day call it a ''windfall profits tax.'' No matter what you call it, if you tax them, you tell me a company in the United States of America which winds up with additional costs of manufacturing a product that does not, unless they just eat them—and nobody expects the tobacco companies to do that—that does not pass it off in the cost of doing business. The cost of the product will rise.

But by doing this in the way that this bill seeks to do it, by setting a fee that is levied at the level of manufacturing, you actually have a far more effective way of constraining the smuggling of, of creating accountability in the system; and ultimately you wind up doing the very same thing that would happen under any other circumstances, which is the tobacco companies are going to pass it on to the consumer.

In the end, there is a benefit from raising the price. The benefit outweighs whatever crocodile tears we are hearing shed for those who are going to pay the additional cost of the cigarette. First of all, it is voluntary. Nobody forces them. They buy it. Secondly, it is a smaller amount in total than the amount that people are paying anyway. Then the costs to our society as a whole, which will be reduced by accomplishing what the cigarette companies themselves have said will occur, which is if you raise the price,

you will reduce the number of kids who are smoking, you will ultimately reduce the numbers of people who are addicted and you will significantly reduce the costs overall.

So America has a choice. You can reduce the costs, reduce the number of kids who are addicted, reduce the number of our fellow Americans who die, reduce the overall costs to our hospitals and ultimately wind up with a better and healthier society as a consequence of that, or you can take the alternative route, which is the only alternative to what the Senator is saying, and vote to leave it the way it is and let the tobacco companies continue to addict the next generation without making a legitimate effort. I think the case ought to be very, very clear.

COSPONSORSHIP OF AMENDMENT NO. 2446

Mr. CONRAD. Mr. President, on Tuesday, June 2, during Senate consideration of the McCain-Kerry and others amendment No. 2446, I was added as a cosponsor of that amendment, however, the RECORD of June 2 does not reflect my cosponsorship.

I, therefore, ask unanimous consent that the permanent RECORD be corrected to reflect my cosponsorship of Senate amendment No. 2446.

In addition, I now ask unanimous consent my cosponsorship of Senate amendment No. 2446 appear in the RECORD at the appropriate place.

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

Mr. CONRAD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HAGEL). Without objection, it is so ordered.

Mr. HUTCHINSON. Mr. President, I ask unanimous consent to speak as in morning business.

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

NINTH ANNIVERSARY OF THE TIANANMEN SQUARE MASSACRE

Mr. HUTCHINSON. Mr. President, today represents the ninth anniversary of the Tiananmen Square massacre. This is the day that commemorates the culmination of the crackdown—very bloody crackdown—that occurred 9 years ago in Beijing, China.

I think it would be wrong for us not to take note of that on the floor of the U.S. Senate. I think it is incumbent upon all of us, as freedom-loving Americans, to not forget the lessons that we continue to learn from China.

I would like to, in the next few minutes, read an excerpt from a book entitled ''Mandate of Heaven: The Legacy of Tiananmen Square,'' by Orville Schell. This book recounts, among other things, what occurred during the 2 months leading up to the Tiananmen Square massacre and the events that night. I have taken only a few excerpts from that, but I think it will help us to put into perspective the sacrifices that were made, the tragedy that occurred, and I think the tragedy of American foreign policy which today ignores that it was, in fact, Jiang Zemin, mayor of Shanghai at the time, who said that there should not be one ounce of forgiveness shown to those student protesters who dared raise the voice of dissent, who dared to speak for freedom and democracy in China. So I will read from ''Mandate of Heaven: The Legacy of Tiananmen Square'':

Although a palpable sense of foreboding hung over the Square, few could bring themselves to believe that the People's Liberation Army might actually harm ''the people.'' Not even under the vindictive Gang of Four had troops opened fire with tens of thousands of demonstrators had spontaneously occupied the Square to mourn the death of Zhou Enlai in 1976. So many ominous-sounding government threats had come to naught since April 15 that most ordinary Chinese were now inclined to view this latest salvo of warnings as more overinflated rhetoric. The triumphs, symbolic and otherwise, of the preceding weeks had given many, especially protesters, an exaggerated sense of their own invincibility.

But there were some Chinese who understood that when threatened, the Party would ultimately stop at nothing to preserve its grip on power. They understood the old adage ''When scholars confront soldiers, it is impossible to speak with reason.'' Most of these pessimists were from the older generation of educated Chinese who had learned through bitter experience that the Party rarely allowed such challenges to go unconfronted. ''The Day the Soldiers Enter the City, Then the Blood of the People will Flow,'' declared one banner . . .

Around dusk the Flying Tigers began bringing back reports that soldiers equipped with automatic weapons and backed up by armored vehicles were moving toward the city center from several directions at once. In response, the strengthening of barricades reached fever pitch. By the time the first troops neared key intersections on the city's outskirts, an estimated 2 million people were again in the streets. At first, these citizens' brigades continued to rely on the same defensive techniques that they had used two weeks earlier, and by dark, many unarmed units were again bottled up around the city . . .

By 10 p.m. the assault from the west was in full swing. As several infantry and armored divisions pushed toward the Military Museum, they soon found their way blocked by a wall of angry citizens and Dare-to-Die squads of workers pledged to defend the students and the Square until death. The juggernaut of military vehicles ground to a halt, allowing government propaganda to cite these instances of hesitation as evidence that the army had exercised a ''high degree of restraint'' while entering the city. Such ''restraint'' did not last long.

The next volley of gunfire was aimed over the heads of the resisters. The crowd refused to disperse. Finally, an officer in a jeep was reported to have yelled out through a megaphone, ''Charge, you bunch of cowards! Sweep away this trash!'' A volley of concussion grenades was lobbed into the crowd. Only when steel-helmeted soldiers carrying truncheons and riot shields were ordered to charge did those resisting give way.

It was around 11 p.m. before advancing troops approached Muxidi Bridge near the state guesthouse. By then the order to ''go ahead at any cost'' and to shoot at anyone obstructing the soldiers' path had been given. Before soldiers had even arrived at the giant barricade constructed out of articulated city buses, large earthmoving trucks, commandeered minivans, and tons of urban detritus, the first wounded were being rushed on bicycle carts to hospitals. As troops approached the bridge, someone torched the fuel tank of a bus, turning the barricade into a raging wall of fire. The column had no choice but to halt. With Gallic flair, Pierre Hurel, a French journalist writing for Paris Match, described the scene:

''In front of the flaming barricade, facing the soldiers alone, four students with their feet planted wide apart make the heavy air snap with the sound of the waving scarlet banners. In an unbelievable gesture of defiance, they are naked martyrs before a sea of soldiers in brown combat helmets and tense with anger. The silk of their university banners gleams in the fire's light, and behind them a crowd, waiting for the worst, applauds. it is 11:30 p.m. and for the first time tonight, the soldiers have had to pull back.''

As the convey began pushing forward again a short while later, a noise resembling the sound of popcorn popping was suddenly heard over the dim of the crowd. Out of the smoky darkness, troops armed with AK–47s charged the barricades, shooting as they advanced.

''Soldiers were shooting indiscriminately; there were bullets flying everywhere; dead bodies and injured people were lying in the streets,'' reported one anonymous foreign journalist cited in a subsequent Amnesty International report. ''Crowds of residents from the neighboring lanes had left their houses and stood unprotected in the streets. They did not try to hide because they did not seem to realize what was going on. They were in a state of shock and disbelief.''

All along the Avenue of Eternal Peace, equally ferocious battles broke out as citizens stood their ground with an almost religious fanaticism before advancing troops. Bystanders who ran into surrounding alleyways for safety were chased down and sprayed with automatic-weapons fire. Those who tried to rescue the wounded were shot in cold blood. The slaughter was so merciless that rumors began circulating that the soldiers had been administered some kind of drug as a stimulant.

By 1 a.m. soldiers had neared the intersection where Xidan crosses the Avenue of Eternal Peace and began lobbying tear-gas canisters into the crowds. Moments later several buses serving as barricades burst into flames. Then another order to fire was given. ''Several lines of students and residents instantly fell,'' claimed one BASF eyewitness. ''Dozens were killed, and several hundred were wounded.''

Yang Jianli, a Ph.D. candidate in mathematics from the University of California at Berkeley who was back in China on a visit, watched in horror as these shock troops advanced, firing their automatic weapons as if they were assaulting a heavily armed enemy position. ''Tanks and truckloads of soldiers armed with machine guns were rolling in, one after another, toward the Square,'' he remembered. ''At the intersection we heard perhaps a thousand people shouting, 'Down with Fascism!' . . . [Then] flashes spouted from the muzzles of soldiers' rifles. We ran back a bit and threw ourselves on the pavement. 'Did they really fire?' I asked H. 'I still can't believe it!' Some people continued to stand up, saying nonchalantly, 'Don't be frightened, they're only using rubber bullets.' But before they had finished speaking I heard someone scream, 'Look out! There's a cart coming through!' Two men with gunshot wounds were being carried away. . . . Suddenly, there was more gunfire, and we

dropped to the ground again, my heart jumping from sheer fright.''

''His blue T-shirt was soaked with blood, and his eyes were blood-red,'' recalled Yang of one outraged citizen. . . .

''Troops have been firing indiscriminately and still people would not move back,'' BBC News Chief Correspondent Kate Adie reported in a television broadcast after visiting both the western and eastern reaches of the Avenue of Eternal Peace. ''Indeed, it was hard at the time to grasp that this army was launching into an unarmed civilian population as if charging into battle. . . . There was not one voice on the streets that did not express despair and rage. 'Tell the world!' they said to us.''

Since that 1989 tragedy and this famous photo of a lone student who stood defiantly in front of the line of tanks, there has been every June 4th efforts within China, efforts there at Tiananmen, to remind the world of the tragedy that occurred, of those brutal, visible oppressions, and forcibly removing a voice of freedom that the world has known in generations.

I continue from Schell's book as he recounts some of the symbolic gestures that have been made since that original June 4th, 1989.

He writes:

''Like an uninterred body, June 4th continued to cry out for an appropriate and respectable barrier.''

There are those, if I might just add, who would like to say we are in a post-Tiananmen era but somehow that chapter has been closed. The fact is the Communist Chinese government in China does not allow that chapter to be closed. So Schell refers to it as an uninterred body which continued to cry out for appropriate and respectable barrier.

The yearning that many continued to feel for some sort of commemoration could never be fulfilled by parades or crimson stars fashioned out of potted flowers. But since the government stubbornly refused to acknowledge the tragic significance of what had happened, much less allow for a ceremony at which those who had died could be properly remembered, the Square remained charged with unresolved energy and, like a lodestone, kept drawing defiant demonstrators back into its embrace to engage in solitary acts of guerrilla mourning.

Such observances were, or course, politically suicidal. As soon as anyone began such a ritual protest, plainclothes policemen materialized as if out of nowhere. Within moments the offenders were surrounded, seized, and dragged away. Only on those rare occasions when foreign journalists had been alerted in advance or happened to be at the Square for other reasons were such fleeting moments of defiance recorded. But then, like shooting stars in the night sky, these usually nameless protesters would disappear.

He writes:

On the first anniversary of June 4, a lone figure had walked up to the Monument and nervously fumbled to display a handmade banner; moments later he was seized and taken away. That night [at the university], a young economics student named Li Minqui, who had been active in the outlawed BASF, tried to mark the anniversary by addressing a spontaneous midnight rally on campus where he indignantly referred to China's current leaders as ''wild and savage autocrats'' and called for an elective Government that could supervise the Communist party. Li was not only promptly expelled but arrested, labeled a ''chief instigator of an anti-party conspiracy,'' accused of counterrevolutionary propaganda and incitement,'' and sentenced to 2 years in prison.

I just think of how many Members of the Senate and how many Members of the Congress would be incarcerated if that were the standard. This one who dared to lift a voice to say we ought to have free elections and called the autocrats ''wild and savage'' served 2 years.

Schell continues to write:

On the second anniversary of the massacre, a young woman dressed in funeral white appeared in front of the Monument to observe a moment of silence. ''I came to remember,'' she told a South China Morning Post correspondent before drifting away just as suspicious undercover agents began to close in.

Incidentally, white being the symbolic color of mourning in China, we have chosen the white color, white ribbons to commemorate in mourning those who lost their lives at Tiananmen Square. So that is what happened on the second anniversary.

And then Schell writes:

In 1992, on the third anniversary of the massacre, a young worker named Wang Wanxing appeared not far from where a new sign warned visitors that it was illegal to lay memorial wreaths in front of the Monument without prior approval. After unfurling a banner calling on Deng to apologize for the crackdown following the protest, he was seized, dragged away and committed to a mental hospital. In a letter to U.N. Secretary General Boutros Boutros-Ghali smuggled out of China a month later Wang asserted that not only was he being held against his will in Shanghai's Ankang Psychiatric Hospital for the criminally insane, but he was being forced to take psychotropic drugs.

Computer hackers were also busy that spring waging electronic warfare by introducing rogue viruses into software programs used on government computers. One such virus caused the words ''Remember June 4'' to appear on display terminals while another flashed the slogan ''Bloody June 4'' as soon as computers at certain state enterprises were booted up.

Despite increased campus surveillance, on May 28, 1991, [university] students managed to hang cloth streamers out of two dorm windows declaring ''We Will Never Forget June 4.'' Leaflets recalling the events of 1989 also appeared in the student canteen.

An excerpt from the leaflets said this:

Those were days that woke the heart and moved the spirit. Then the hue and cry became the sound of suffocation in a pool of blood.

There are those who would say that to call the world's attention to the tragedy of Tiananmen Square in 1989 is empty moralizing on the part of self-righteous Americans who want to impose our views of freedom and liberty upon the rest of the world and other cultures. May I say to those who would argue such that liberty and freedom are not American values, that it is not empty moralizing to point to a young Chinese student who defied the symbols of oppression and onrushing tanks. And I would say to those who would say don't talk about Tiananmen Square and don't talk about the massacre, we must not forget that these are not American values: these are universal human values and human rights. For us to sacrifice what this Nation has always stood for on the altar of free trade, on the altar of commercial and corporate profits is unconscionable.

Jiang Zemin was quoted on the front page of the People's Daily 3 weeks after the massacre. This is what he said. He was mayor of Shanghai at the time, not President of China. But this is what he said:

Toward these cruel enemies—

That is that young man standing in front of the tanks—

there must not be even one percent of forgiveness. If we go easy on them, we shall commit an error of historic proportions.

That is the man whom the President is going to meet and greet in Beijing in a few short weeks, the one who said that toward these cruel enemies we dare not show even one percent of forgiveness. And they didn't, true to his word.

Nine years later, Jiang is President of China and the students whom he called the cruel enemies, many remain imprisoned, those who survived. And Jiang, true to his word, showed not 1 percent of forgiveness. He has never apologized. He has never acknowledged the cruel, inhumane, and barbaric response of the Government at Tiananmen Square. The Chinese Government has never investigated, they have never even investigated this tragic incident; they have only defended the crackdown and the killing of hundreds of students as an appropriate response to peaceful dissent.

So this man, Jiang Zemin will be the leader greeting our President, this man who declared not 1 percent of forgiveness. And more recently, lest you think he may have changed his mind and changed his attitude and lest we are under the misimpression that suddenly the Government of China has grown compassionate and that, in the words of President Clinton, they now are becoming a thriving democracy—lest we think that, President Jiang, when asked by Barbara Walters how he looked back on the events of 1989, replied, ''It's much ado about nothing.''

So on this anniversary of the Tiananmen massacre, we all need to remind the world we will not forget and we will not allow the courageous sacrifice of those hundreds of students at Tiananmen Square to be demeaned, to be disrespected and to be devalued.

The Washington Post, in an editorial today entitled ''China: Two Views,'' speaks of a view that I would share:

A strikingly different view from inside China, from someone with pretty fair credentials to judge China's practices, Bao Tong, 65, was Chief of Staff of China's premier and Communist Party chief until he was jailed in 1989.

Why was he jailed, by the way? He was jailed:

Because he opposed the crackdown against protesting students in Tiananmen Square.

Mr. Bao spent 7 years in prison, three of them incommunicado, showing that China has a ways to go when it comes to rule of law. He now lives under house arrest but recently gave an interview to the Post's Steven Mufson and John Pomfret.

Mr. Bao challenged the notion that economic strength, in the absence of real democratization, inevitably will make China more benign.

By the way, let me repeat what he challenged, because it is the very thesis espoused by those who say constructive engagement is going to bring about change in China. This is the very theory espoused by those who say, ''We will just trade sufficiently, we will increase trade and do enough increased commerce with China, and everything will be better.'' So he challenged the notion that economic strength in the absence of real democratization inevitably will lead China to be more benign.

China ''has already gone mad twice in the last 40 years,'' he said, referring to the cultural revolution and the Tiananmen massacre. ''You have to ask yourself a question. What will it do on the international scene? Is it a source of stability or a potential source of instability? When it doesn't have enough power, its attitude will be restrained. But once it develops and becomes strong, what kind of role is it going to play without a complete structural change?''

That is the question I would pose. For all of the advocates of the current administration's policy, I would pose this question raised by this very knowledgeable individual, Mr. Bao, who himself has spent 7 years incarcerated. The question he poses: Once China develops, opens, and becomes strong, what kind of role is it going to play without a complete structural change?

What he means by ''complete structural change'' is democratization. It is his argument that economic development in China, the embrace of free markets, and the embrace of market capitalism will not be sufficient to make them benign, to make them a partner in world peace, and that that will not happen without a structural change—free elections, freedom of press, freedom of speech, freedom of religion—that until those things become realities in China, then we cannot expect that there are going to be responsible citizens in the international stage of affairs.

The Post editorial concludes:

Mr. Clinton should meet with dissidents when he visits Beijing later this month. A sit-down with Bao Tong, if the government would release him from house arrest long enough, might be a useful addition to the president's official schedule.

And I suggest it certainly would.

So I want to conclude on this anniversary of an event that should never, never, never be forgotten, by making this plea: Mr. President, delay your trip to China. There are ongoing investigations; there are ongoing hearings. So, please, we are not talking about isolating China. It could not happen if we wanted it to. We are not talking about breaking off contacts, dialog and communications with China. But we are saying, under the current cloud and with all of the questions about the web of interrelationships between the Chinese Government, the American administration, and corporate America and multinational corporations—delay this trip.

Then second, Mr. President, if you must go, if you must go ahead with this planned trip, then I plead with you to express the desire of millions of Americans by not going and not being received at Tiananmen. As this young man took his stand as a symbol of freedom against the symbols of oppression, I ask our President, take one small stand by not going to Tiananmen Square; not being received, simply saying: Mr. Jiang Zemin, I will not be received where these students were slain. I will not show disrespect and disdain for the sacrifice that they made by being received at a State visit on that location. To be received there is to demean and devalue the stand those students took.

Third, I plead with you, Mr. President, that if you insist on going to China, that you should insist on meeting with the families of those champions of democracy who were either slain or remain in prison. I ask that as our President goes, and if he goes, that he should forcefully denounce the repression and the human rights abuses ongoing in China; if he goes to Tiananmen Square that his message should be this: Never again. And in the spirit of Ronald Reagan at the Berlin Wall, let him say, ''This is wrong. Never should it happen again.'' I ask that in China he visit with house church leaders, those who, because of their conscience and because of their religious convictions, have not registered with the Communist Chinese Government and, because they have not registered, because they have not signed up and received official sanction by the Government, stand in harm's way, stand in jeopardy of losing their freedom.

I ask that our President visit with banned journalists, for there are no free newspapers. There are no independent journalists. There are no expressions of dissent against the Communist Chinese Government. So, Mr. President, meet with those journalists who would like to have a newspaper, who would like to be able to write a column, who would like to be able to freely express their views of freedom and democracy, but are not allowed to because of the current regime. Meet with them. Hear their story. Take your stand for freedom.

And then I ask that before you leave for Beijing, if you must go, that you sign the China sanctions package that has already passed the House of Representatives by a huge, overwhelming bipartisan majority. Some of those provisions have already been added to our State Department authorization bill which we will be debating, hopefully, next week. Some of those have already been set. But I ask that the President sign those and, in so doing, express sincerity in wanting to decry the human rights abuses that are going on.

Let me just conclude. In a Washington Post article, not an editorial but a news article today on the Tiananmen anniversary, the article, a Michael Laris report, concludes:

. . . China has not yet turned irrevocably toward a liberal political approach. [That's an understatement.] It maintains a massive state security apparatus, which monitors the private affairs of anybody it deems a threat to the Communist Party's monopoly on political power. The jails hold more than 2,000 political prisoners, including 150 or so arrested after the Tiananmen Square protests. Among the 200,000 other people in labor camps, at least some are political offenders.

[I assume yesterday] Early this evening at the Beijing University bulletin board, which was a center of protest information in 1989, a woman read announcements of lectures on the environment and the Asian financial crisis. ''Many of my friends think those students were foolish,'' she [this student] said. ''I think they were very brave. I wish more people now had that much passion. Some people now have the same passion, but they know not to express it in the same way.''

For those who believe it is all better now in China, listen to the words of this student who says the students in China today have learned, passion for freedom they may have, but if they cherish being free, if they cherish the right to be a student, if they don't want to be incarcerated, they better not express it as these students did 9 years ago today.

So to all freedom-loving Americans—not as Republicans and not as Democrats—but to all freedom-loving Americans, we say to those Chinese who love freedom as well: We will not forget what happened June 4, 1989.

Mr. President, I yield the floor.

Mr. GRAMS addressed the Chair.

The PRESIDING OFFICER (Mr. HAGEL). The Senator from Minnesota.

Mr. GRAMS. Mr. President, I inquire what is the pending business before the Senate?

The PRESIDING OFFICER. The Senate is now considering the tobacco bill. The Senator may speak on any subject he wishes.

Mr. GRAMS. I ask unanimous consent to speak as in morning business for up to 10 minutes.

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

The Senator from Minnesota is recognized.

Mr. GRAMS. I thank the Chair.

(The remarks of Mr. GRAMS pertaining to the introduction of S. 2130 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. GRAMS. Thank you, Mr. President. I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DASCHLE. 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. DASCHLE. Mr. President, I don't know how many days it is that we have been on the tobacco bill now, but it is clear that we are not making any progress. I am increasingly frustrated by the degree to which many of our Republican colleagues, in the name of amending the bill, have stalled, obfuscated and, in many ways, attempted to defeat the legislation without any real sign of progress, without any real sign of coming to closure, without any real effort to find some resolution.

I have expressed my continued patience, my continued desire to find ways in which to move this legislation along. I give great credit to the manager of the bill, the chairman of the Commerce Committee, Senator MCCAIN, for his tireless efforts to move both sides along.

This has not worked. We have continued to be thwarted in the name of compromise, and in the name of negotiation, and in the name of consultation. Frankly, I don't know what other options there are but to file cloture on the bill. We may not win. I am prepared to acknowledge that unless we get many of our Republican colleagues to join us, we will not win. But I also understand that if we don't move this legislation forward, we will continue to be in a position of having to say no to other bills the majority leader may wish to bring up until we resolve this matter. We have said, as late as Tuesday, that we are not in a position to move to any other legislation until we finish this bill. I don't know how we can say it more clearly than that.

We want to finish this legislation so we can move on to other bills. There are a number of other pieces of legislation that ought to be addressed, and we recognize that. We are prepared to enter into time agreements on amendments. We are prepared to come to some time limit on the bill itself. But we have now virtually wasted the better part of a week waiting for colleagues to offer amendments, waiting for some resolution to the Gramm amendment, waiting, procedurally, to find some solution to the impasse that we now are experiencing.

So, Mr. President, I really have no choice but to offer a cloture motion, with some frustration, and with the realization that it may take more than one. We may have to file several cloture motions. But, beginning today, I will take whatever action is necessary to expedite the consideration and ultimately the solution and the conclusion to this legislation.

We have a lot of people who have invested a good deal of effort into this legislation; three of them are on the floor right now. I thank them for all they have done to bring us to this point. But unless we take it to its final conclusion, all of the thousands of hours spent by the Senators who are on the floor already, invested in time and good-faith efforts to move us to this point, will be for naught. I don't want to see that happen. I don't want to see this necessarily as a Republican versus Democratic debate. But, frankly, it becomes more and more apparent that we are not getting the help—with the one stellar exception of my friend and colleague from Arizona—in getting this legislation passed. So we are very hopeful that we can move this legislation and find some way to resolve the matter.

I understand that I can't file until 2:15 under a previous agreement. I will certainly wait until then.

Let me just make sure that our colleagues understand where things stand. Right now, we are discussing the motion to recommit offered by the Senator from Texas, Senator GRAMM, with amendments pending to that motion. The Gramm amendment would cost $52 billion. It would rob the bill of any real opportunity to address research in health care, to address the targeted approach that we are attempting to make on advertising and reducing teenage smoking. It would reduce every option that we have available to us to reverse the trend and reduce teenage smoking in this country. Why? Because the Senator from Texas believes that we ought to address the marriage penalty.

Unfortunately, Senator GRAMM's amendment doesn't address the marriage penalty alone. In fact, one could argue that it has little to do with the marriage penalty. It has everything to do with spending the tobacco revenue raised in the health fee. We are presented with an option that is a Hobson's choice for many: reduce taxes for those who are under $50,000, or reduce teenage smoking, reduce the number of children who are dying from smoking. That is the choice. While we debate this choice, 3,000 kids a day choose to smoke for the first time. A large percentage of those—some say 40 percent—are people who ultimately will die from the habit at some point in their life. They get cancer and ultimately succumb to cancer because they started smoking too early, without knowing the facts, without being able to quit once they had started. That is the issue here.

Can we prevent young people from acquiring this terrible habit and from dying because of it? Can we target advertising and research, and can we find ways in which to ensure that we can turn the trend around for the first time? Or are we going to spend that money for something else? Mr. President, Democrats have come up with an alternative.

Mr. MCCAIN. Will the distinguished minority leader yield for one question?

Mr. DASCHLE. Without losing my right to the floor, I yield to the Senator from Arizona for a question.

Mr. MCCAIN. I appreciate the Senator's frustration, and to a large degree I share it. I wonder if, with the knowledge that the Senator from Texas and I are continuing negotiations in the next few minutes, the distinguished Democratic leader would agree to withhold that until, say, an extra additional 15 minutes just so I can make one final attempt to get an agreement with the Senator from Texas on his amendment. Then I think we may be able to move forward.

Mr. DASCHLE. I will agree to withholding filing of the motion so long as I don't lose my right to file the motion. If that takes retaining the floor, I intend to do so. But I will certainly allow the Senator from Arizona whatever time he may require to talk to the Senator from Texas.

Mr. President, let me just say that is really the essence of this argument. Can we stop kids from smoking? Can we turn this around, or not? And can we find a way with which to address the concerns expressed to us by many of our colleagues?

We believe we can address the marriage penalty for a whole lot less than $52 billion. But our objective is not to gut the bill. Our objective isn't to say we are going to use up all that money because we don't want to spend it on stopping kids from smoking; we don't want to spend it on research; we don't want to spend it on tobacco farmers; we don't want to recognize what has already been achieved in the State-by-State negotiations on this issue and the tremendous effort put forth by attorneys general all over the country in an effort to resolve this at the State level. The Federal Government didn't do that. For whatever reason, we didn't go to court. The States did. Now that the States have racked up their victories, and now that they are expecting some way to resolve this matter, we are saying: We are going to use that money, too; we are going to take the money that you have already won in court fairly and squarely against the tobacco companies, and we are going to spend it; we are going to spend it on a tax cut.

So this gets interesting as we go on. We are saying we ought to respect the decisions made by the attorneys general, we ought to respect the decisions made by the committees of the Congress, and the Senate in particular, in recognition of the fact that we have to find new ways to target those who are most vulnerable to campaigns by tobacco companies today to get them to smoke. We think that is worth an American investment. We think it is worth an American investment to put some real effort into research on how we cure diseases that have been connected to smoking. We think it is important that we find ways with which to rid this country of the production of tobacco products and to encourage tobacco farmers to find other ways to make a living. That is what this is about.

Mr. President, there is no choice. We can continue to talk. We can continue to find ways with which to obfuscate. But it really comes down to this: Do you want to pass a tobacco bill or not? We are getting a resounding ''no'' on the other side of the aisle. We are getting an absolute, emphatic ''no,'' exclamation point, ''we don't want a tobacco bill.''

We have come to a point that we do not have any choice. We must move this legislation forward and use the parliamentary and procedural methods available to any Senator to begin to curtail debate, recognizing that every Senator who still has a germane amendment would have the right to offer an amendment.

But having been on this bill now for 2 weeks, and now recognizing the majority leader's frustration and impatience with our slow progress, his desire to move on to other bills, I, frankly, wish that we could do this together. I wish he and I could file this cloture motion. He has filed cloture a lot faster on virtually every other bill that has come to the floor than on this one. But I understand the difference in the initial position with regard to where we are on this legislation. So I wouldn't expect him necessarily to be enthusiastic about doing it. But we have to move on. We have to find a way with which to address this bill in a more consequential and productive way. That, in essence, is what it is we are attempting to do.

We have a series of amendments. The Durbin amendment, which, in my view, is one of the final and very important pieces of legislation that we want to address on this side, a piece of legislation that would be designed to strengthen the so-called look-back, or the targets that we set out, to reduce teenage smoking—I don't think that is necessarily anything anybody ought to have trouble considering, or ultimately debating. We haven't even been able to debate that. We have had to wait.

Mr. President, I say with all sincerity—I don't see the Senator from Arizona on the floor. He had asked that I postpone the filing of the cloture motion, and I have agreed to do so. But I am prepared to file it assuming that there is no other reason for him to ask for additional delay.

CLOTURE MOTION

Mr. DASCHLE. Mr. President, at this time I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate hereby move to bring to a close debate on the modified committee substitute for S. 1415, the tobacco legislation.

Senators John Kerry of Massachusetts, Robert Kerrey of Nebraska, Kent Conrad, Harry Reid of Nevada, Paul Wellstone, Richard Durbin, Patty Murray, Richard Bryan, Tom Harkin, Carl Levin, Joe Biden, Joseph Lieberman, John Glenn, Jeff Bingaman, Ron Wyden, and Max Baucus.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. LOTT. Mr. President, I must say that I think it is unfortunate that this process has been adopted by the Democratic leader. I had indicated all along that at some point, if it was necessary, I would be prepared to consider cloture but not until we had an opportunity to debate and vote on some amendments that clearly are important to Senators and until we had time to have debate on this bill in general.

There are still some very important amendments pending: The Durbin amendment, the Gramm amendment, and we have the drug amendments. We have at least two substitutes that would be cut off from being offered: The Hatch substitute, which I know a number of Senators would support, and it is something much closer to the original settlement agreement that was entered into than anything else that is pending around here now; plus the Domenici-Gramm substitute.

I think most Senators would acknowledge very readily that those two Senators are very thoughtful Senators and have given a lot of thought to an alternative approach. Yet there is a choice here. The choice is: Do you want a bill or not? If you want a bill, this is a good step toward having nothing happen, because this further sours the well. Yes; I would like to see things move along on this bill and on to other bills and other issues that I know Senators on both sides want to address, but you have to also allow Senators to be able to work through the problems and come to an agreement.

If we stay on this bill, we are going to have a vote on the Gramm marriage penalty tax elimination. We will have it this year in some other form or another. It seems to me like this is one way to help address some of the concerns about the excessive amount of money that is in this bill. It is clearly way beyond what is necessary to fight teenage smoking, or even teenage smoking and drug abuse, address some of the health care problems, and address the needs of the farmers. It goes way beyond all of that. That is the problem.

As I have said in other forums, this has become a problem of greed. Everybody who touches this bill adds to it. It grows like Topsy. What is our goal here? To have a whole, big, new Federal program outside the regular budget process, or to address the problem of smoking, and teenage smoking, in this country?

I had been working on and had kind of sent word to the Democratic leader informally—and I did try to call him, and we were both going back and forth to our luncheons—I had a unanimous consent agreement here that I was working on, and was prepared to work with him on, that would set up a process for us to have a vote on Durbin, although I think Durbin is a very bad amendment. It is another jump, more cost, another hit on actually getting something done. That is one of the problems here. I am still trying to figure out, do Senators, and do the health care community people, and the attorneys general want a bill?

Do you want an issue? Do you want to do something about this problem or do you want to play games? It is not clear to me because everybody keeps adding to it, adding to it, and it is just going to collapse out here in a great, humongous pile of nothingness.

But I was going to suggest we have a vote on Durbin at 5:30 today, and that we have a time agreement on the Gramm amendment and a vote on it, and a vote on the drug amendment, and that—I assumed at some point the Democratic leadership might have a tax amendment of their own, and we would start going on down the trail. I don't like it when we basically—people say we have to make progress; we have to get this bill done. Where is the progress? This week, we can't blame each other for yesterday; we had a funeral for a former Senator. We had to go to that. We have problems with Senators being here on Monday. We have problems with Senators—I won't get into all that.

But you cannot make progress until you make progress, until you are here and you have Senators prepared to vote. And that is one of the unique features of this creature, the Senate. Things move very slowly, they look like they are not moving at all, and it looks hopeless, and then all of a sudden you get ready to vote. I thought we were close to getting ready to vote.

So I think this is not a positive thing to happen, and I will urge every Republican Senator to vote against cloture. If we don't get cloture, then what? Then what? I thought at some point next week after we voted on Durbin and Gramm and the drug amendment and Hatch and the Domenici-Gramm substitute, maybe a couple other Democrat amendments, at that point we could have sort of a bipartisan effort to see if the Senate was ready to go to cloture and get to a vote.

This undermines that. I understand why it is being done, but I think it is counterproductive, and I hope the Senate would defeat this overwhelmingly. I view it as another blow to our chances of actually addressing this issue in a responsible way and getting on to other important issues.

I must say I thought that Senator GRAMM and Senator MCCAIN and others who were interested in how you deal with the marriage penalty tax were very close to an agreement—maybe not exactly the way Democrats would like it or the White House would like it, but something that would have been fair for both of us to have and we could

make progress on other things. But c'est la vie, this is it. You filed a cloture motion. And also, by the way, that cloture would ripen on Monday, and I think that is going to be a problem for the leadership and a number of Senators, and we will have to discuss when and how that vote would occur.

I hope all concerned would reconsider their thinking on how we bring this to a point where we could get some votes and make progress. I really believe, I said publicly, that if we had a tax cut provision added and we had a drug provision added, then the prospects for the bill would be helped substantially; we might actually get a bill through the Senate. Without that, we are going to be sitting around here. If you want to sit around and shout to your feet for the rest of this month and all summer long and try to make out this is a totally partisan thing, that is OK, too. That is OK. I am relaxed. We can just waffle along here and look pathetic if everybody wants to do that. Or we can decide how we are going to get together and make something responsible happen.

I yield the floor, Mr. President.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, let me just respond to a couple points made by the distinguished majority leader. First of all, I only wish I had had his text in front of me when we took up the Coverdell bill, when we took up a number of other pieces of legislation earlier this year, because I can recall his passionate determination to get time agreements, to stack votes, to find a way to come to closure in a matter of a couple of days, a couple of days, and were it not for the fact that we had the votes to hold off on cloture, I don't know where that would have gone. We finally came to a resolution on the Coverdell legislation because we were able to come to some agreement on how we would proceed on amendments.

Now, I am perfectly willing to ask unanimous consent to withdraw the cloture motion if we can get an agreement on the process and some time agreements by which we can have these amendments considered.

Now, I don't know why, but I have been told—and I will admit I haven't talked directly to the majority leader—that the Republicans are refusing to allow the Democratic tax amendment to either precede or immediately succeed the consideration of the Gramm amendment. They don't want them back to back. I don't know why. And if that is not accurate, I hope somebody will tell me.

We have offered to have a limited amount of debate on the Gramm amendment, a limited amount of time on the Democratic amendment, and then let's have two votes back to back. We can do that this afternoon. I am prepared to have a vote, I would suggest, at 5 o'clock today. Let's have the debate on the Gramm amendment, the debate on the Democratic amendment, and then two votes, and we are out of here on taxes for a while. Then let's go to the drug amendment, let's go to the Durbin amendment. We can stack those votes. We can have all four of those votes tonight. But I bet you I won't hear that offer made by the other side. For some reason that isn't good enough. It was good enough for the Coverdell bill, but it is not good enough for the tobacco bill.

Mr. LOTT. Will the Senator yield?

Mr. DASCHLE. I would be happy to yield.

Mr. LOTT. I heard through the news media that the Senator was proposing a process to have those votes back to back, and, oh, by the way, they are going to be king of the hill; that the last one who wins, you know, wins. That's it.

I did not have that proposal come to me in any form, and I would not agree to that. I am prepared to say we are going to get a vote on Gramm, and in some logical order, I assume, we have a deal here where we are alternating back and forth—we offer an amendment; you offer an amendment. And the Democrats could offer an amendment at some point on taxes in the regular order. We could not prevent you from doing that.

But that was not the way it came to me. And it did come to me through the media in a way that certainly would not be acceptable.

Mr. DASCHLE. Mr. President, since I retain the floor, let me just respond to my colleague. First of all, we are not going back to back. The last amendment prior to the Gramm amendment was a Gregg amendment. So instead of going Republican-Democratic, we went Republican-Republican. So that pattern was lost already.

Mr. LOTT. Will the Senator yield on that point?

Mr. DASCHLE. I would be happy to yield.

Mr. LOTT. Because he is right, and I think that was a mistake. And I objected to that at the time. I think everybody who was on the floor knows that. I did not appreciate the fact that the going back and forth was interrupted. The Senator from Texas knows that, and he has indicated, to his credit, that he was not really intending to break up that sequence. We did break up the sequence, but I do not think we should let that block us from proceeding in that way in the future, a fair way where we offer our amendment, you offer your amendment, and we go back and forth.

But you are right about that. The order was broken, and I certainly did not like it.

Mr. DASCHLE. While the majority leader is still standing, let me retain the floor and ask him the question. Would he agree with me to a 2- or 3-hour time agreement to be divided equally on the two amendments relating to tax, the Gramm amendment and the Democratic amendment, and that two votes be cast at the end of that time in sequence of his choosing? Would the majority leader agree to that proposal?

Mr. LOTT. Mr. President, I would not agree with that at this point. I am not saying that at some point we might come to some sort of understanding of how this would be handled. The first thing is, I think, the Senator from Texas and Senator MCCAIN have got to come to an agreement on the content. That is one of the reasons why we can't go on procedure—until you get something that is worked out, hopefully that everybody can support, because when we get a vote on the Gramm amendment, on the marriage penalty tax, it is going to pass overwhelmingly. A great majority of the Democrats are not going to be able to vote against that. They are going to vote for it. So it is going to pass.

But what I would say is I have a unanimous consent agreement right here that would allow us to set up a process to move forward with consent to get a vote on the Durbin amendment at 5:30, and that following disposition of the Gramm amendment Senator COVERDELL be recognized to offer a first-degree amendment relative to drugs, there be 2 hours of debate on that—and that there then would be debate on the Coverdell amendment and a vote on that after 2 hours.

We have a unanimous consent request here that we would be willing to offer, and then we could go back to your amendment, we go to a tax amendment, if you want to do that.

But here is the other side of it. You have to get unanimous consent. And our people are not going to agree to an arrangement at this time where you get some vote on a subsequent tax proposal that would be the king of the tree. I think when the thing is done, when we get an agreement, you are going to vote for the Gramm amendment and that is what will prevail, and we will move on. But we have to try to come to an agreement on that or we are not going to go anywhere. If that is the way it is going to be, that is the way it is going to be. I have been trying to help make this thing move from a procedural standpoint, but if we want to let it collapse on this line, OK with me.

Mr. DASCHLE. Mr. President, the majority leader has just made my point probably better than I can. What he has said is that this offer to have two amendments, one Republican and one Democrat, both dealing with tax, under a time agreement, is objectionable to them.

My point originally was the reason it is objectionable is because they don't want to get this legislation passed. They do not want to see closure to it. That is really what is behind all of this. This is not some concern about a tax amendment. This is concern about ultimately moving this legislation to a point where we can get completion.

The reason the majority leader cannot get unanimous consent is not because it is not fair. It is because there are colleagues on his side who want to drag this out past the Fourth of July. They want to start using the clock. That is what this is about. You want a blow-by-blow account of the play-by-play action here? It is that. We are simply playing the clock. Because if you play it long enough, we run out of time and then, guess what, we do not pass a tobacco bill.

We can play that. We can stay on this bill through June, if we want to. But I am telling you, this legislation ought to pass. It is about saving kids' lives. It is about making them healthy. It is about coming up with new tobacco policy, and we are prepared to stick to whatever it takes to see that we get that done.

I don't understand why that would not be a fair proposal. I am disappointed that our Republican colleagues object to what is a reasonable proposal. When I used the reference ''king of the hill,'' I was simply saying you have two proposals, both pending, both being debated, and Republicans and Democrats both roll the dice. Let's see what the majority of Democrats and Republicans support with regard to the options presented to them.

We have an amendment. They have an amendment. Maybe the leader is right. Maybe both amendments will pass or both amendments could fail. He thinks there is a majority support for the marriage penalty amendment. I think he is probably right. The question is, What is the amendment? The Gramm amendment goes way beyond marriage penalty. It goes way beyond it. Don't anyone be confused about that. This is not a marriage penalty amendment. You can find marriage penalty in it, but it goes beyond that, and he is prepared to spend $52 billion going beyond that.

Now I understand he wants to pull it back some, but there is no question the majority of what the Gramm amendment would eat up would go to research, would go to kids, and would go to farmers. We know that. So we will have to wait until another day to have our debate and have a good opportunity to consider competing proposals. But we are prepared to do that. We will do it Monday next week, Tuesday, whenever. But we will be here. I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, I want to point out we could have had a vote on the Gramm amendment last week. I was perfectly willing to do that, I believe it was last Thursday. We were ready, I thought, to go to a vote on Durbin and Gramm last week. As I recall, there was objection to that from the Democrats. So if you talk about delay or time being consumed, it was because we could not get an agreement worked out on Thursday how we could go ahead and vote on the two of them.

What I am proposing here, or have been prepared to propose, is we have a vote on the Gramm penalty tax amendment, the Durbin look-back provision, the Coverdell drugs provision, and a Daschle or others marriage penalty provision. That is Republican-Democrat, Republican-Democrat; it is a way to deal with this thing.

But let's set that aside. You know, there is concern that has been expressed about the cost of the marriage penalty. How about the American people who are paying that tax? A penalty for getting married? They cannot help it, if it is so unfair a tax, that young couples all over America are getting hit with this tax just because they got married? So what we are saying is, ''Oh, well, to eliminate this unbelievable tax that is in the Tax Code it costs too much money, so we want to squeeze down what Senator GRAMM is proposing to less and less and less.'' What we ought to do is eliminate the marriage penalty tax altogether. Right away. Flat out. Whatever the cost is.

Mr. KERRY. Let's do it.

Mr. LOTT. This is one way to help deal with the problem that this tobacco bill costs somebody money. It doesn't come from heaven. Somebody is going to pay for this. This is one way, and it is targeted, by the way, to couples earning under $50,000, as I understand it, to help the people at the lower end of the tax structure by getting rid of this tax penalty.

You are talking about these other people. Yes, we ought to have a campaign to fight teenage smoking and drug abuse, but we don't need all these hundreds of billions of dollars to do that. This is a way—and everybody involved understands it, really—this is a way to help make it possible for this legislation to get through the Senate and maybe, eventually, get to a conclusion.

Does the Senator from Massachusetts want me to yield?

Mr. KERRY. I do not want to interrupt the leader.

Mr. President, I wanted to ask the Senator, the majority leader: It seems to me I recall a conversation that the minority leader, the majority leader, Senator GRAMM and Senator MCCAIN and I had together at the desk right behind Senator GRAMM just about 2 days ago, in which we had originally broached to the majority leader the notion that there would be two votes, almost simultaneously. So the majority leader was, in fact, aware that was what we sought.

Mr. LOTT. If I can reclaim my time, I remember that meeting, and I was there for part of it and went to take a phone call. When I was listening to that discussion, it was a discussion about how and when we were going to vote on Durbin and Gramm. Maybe at some subsequent point the discussion turned to, really, some alternative to Gramm. But, you know, this is something that has evolved, as far as I can tell, since we met. We were having that discussion, whenever that was—Tuesday, I guess it was.

Mr. KERRY. Again, if the leader will yield for a question, isn't it a fact, though, the unanimous consent request that the leader is proposing, while it ostensibly sets up a Democrat-Republican alternative, it is not, in fact, allowing for the Democrat alternative on the marriage penalty to be voted on at the time that the minority leader has requested?

Mr. LOTT. There would be one intervening amendment. What is the problem?

Mr. KERRY. Would they be the same day? Same time? Could they be this afternoon?

Mr. LOTT. They could be. I don't see any problem. I would like for us to have it in the same day, because it means we would be making progress. I would like us to have the opportunity, on the tax issue and tobacco bill, to have more than one vote in a day. Maybe we could get two or three votes. That would be healthy. I would like to see us make progress on that. I think we could work that out. We don't want a separation of days.

I just object to the ''king of the hill'' type approach which goes—that is a throwback to the House. But having it the same day, that would be fine with me. We are not interested in getting a day's or a week's separation. If we are ever going to find a logical way to conclude this thing, you have to make progress and have more than one or two votes in a day.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, let me just say, my offer stands. We are prepared to negotiate some time agreement, some way with which to deal with these amendments. And if we can do so satisfactorily to both sides, I am prepared to ask unanimous consent to revoke the cloture motion for now. I will talk with the majority leader and we will see if we cannot resolve it. Perhaps this discussion, if nothing else, has moved us closer to that point.

He did make a point, though, that I think has to be responded to, and that has to do with money which is being allocated here. He said, What is wrong with dealing with the marriage penalty? Shouldn't we address the inequity there? Let there be no mistake. We are prepared to address the inequity in the marriage penalty. Our amendment would do that. We are simply saying we don't want to do it at the expense of revoking the commitment made to the attorneys general, made to the States, made to tobacco farmers, made to children, made to the researchers—made in all of those ways that has set up this comprehensive tobacco policy which we hope to address over the course of the next 10 years. We don't have to do that. We don't have to destroy that.

So there is nothing wrong with dealing with the marriage penalty. But to

say we are going to do it at the expense of everything else is the problem Democrats find with the Gramm amendment. It also begs the question, what about the cost to Medicare and Medicaid from smoking-related illnesses? Should that not be addressed? Isn't that an inequity? The American taxpayers are paying huge—billions and billions of dollars, huge amounts of money to pay for the programs that we have set up to deal with health care; Medicare and Medicaid, the two most consequential. More and more billions of dollars are spent every year dealing with smoking-related illnesses. Isn't it important for us as a Nation and this Senate to recognize that and deal with it?

What the Gramm amendment says is, ''No, it isn't. No, we are going to spend it on a tax cut. We think that is more important than anything else, over and above the commitment to the attorneys general, over and above the commitment to the farmers, over and above the commitment to the children, over and above the commitment to the Medicare and Medicaid.'' That is the problem we have. That is why there hasn't been an ability to find some common ground. So long as that becomes the only way with which to spend resources, we think there is a better way, a more prudent way, a more balanced way, and that is what this debate is about today. I yield the floor.

Mr. CONRAD. Will the Senator yield for a question?

Mr. DASCHLE. I will be happy to yield to the Senator from North Dakota for a question.

Mr. CONRAD. I ask the Senator from South Dakota, isn't it the case that the amendment of the Senator from Texas, Senator GRAMM, doesn't just deal with the marriage penalty and give benefits to people who are hurt by the marriage penalty, his amendment goes way beyond that? It actually gives benefits to people who benefit by being married; isn't that the case?

Mr. DASCHLE. That is the case. Those who benefit by being married are benefited even more by the Gramm amendment. The Senator from Mississippi, the majority leader, was saying how important it was that we not overextend the reach here. His admonition to the Senate was, ''Let's take a look, let's step back and make sure we are not just overreaching.'' Well, if there was a definition of overreaching, I don't know that I could find a better example than the Gramm amendment because of exactly what the Senator from North Dakota has noted.

Mr. CONRAD. Will the Senator further yield?

Mr. DASCHLE. I will be happy to yield to the Senator from North Dakota.

Mr. CONRAD. Isn't it the case that the amendment that we would like to offer on our side would actually target those affected by the marriage penalty? So if the rhetoric from the other side is, if you want to deal which those hurt by the marriage penalty, we are prepared to do that. The amendment on the other side goes way beyond those hurt by the marriage penalty and actually gives benefits to people who are benefited by marriage in the Tax Code.

So wouldn't it be the case that what we are prepared to offer will address directly the marriage penalty, and why then is the majority leader resistant to the very fair notion that if he says he endorses again going back and forth between Republicans and Democrats, that he would allow the Democrats to decide which amendment is offered on their side? Isn't that a fair result?

Mr. DASCHLE. That seems to me to be a fair result. I don't know if they would stand for us telling them what their Republican amendment is going to be. But that is, in essence, what they are asking us to accept. We will tell you what Democratic amendment we will allow you to offer, and if you don't agree, you are the ones holding up progress. We can't accept that. Obviously, we can't accept that.

Mr. CONRAD. I have been in the Senate 12 years. I must say I don't recall a time when the majority leader said to the minority, ''We will not only decide what amendments are offered on our side, but we'll decide what amendments are offered on your side.'' Is this something the Senator from South Dakota has seen before?

Mr. DASCHLE. Like the Senator from North Dakota, I have been around here a while, too, and this has been a first for me as well. It doesn't come often. To have the quarterbacks all on that side deciding the amendments to be offered is an interesting set of circumstances.

The point the Senator from North Dakota makes is right on the mark. We are giving benefits to, in the name of the marriage penalty, married people who have no tax penalty, who actually benefit from being married. But the real irony, the real sad aspect of this, Mr. President, is we are doing it at the expense of those smoking-related illnesses in Medicare and Medicaid. We are doing it at the expense of tobacco farmers; we are doing it at the expense of children; we are doing it at the expense of research; we are doing it at the expense of a comprehensive attack on teenage smoking.

That is the real irony here, and that is why a lot of us feel very mystified by this proposal and by the approach the Republicans are insisting on and troubled by the inequity, not only procedurally but in substance, with the amendments they are demanding that we consider.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, just one brief response to the Senator from North Dakota. If he has been here 12 years, then surely he remembers Senator BYRD and Senator Mitchell doing just that. I remember many occasions in my time here that they dictated and filled up the tree. I learned the way of doing business around here from them.

I might also note, to make every taxpayer punished by the marriage penalty even with unmarried people costs $38 billion. If we are serious about really eliminating this penalty, that is the cost. I believe the Senator from Texas has a proposal that unfortunately is below that. It is less than that. He would like to completely eliminate it.

In the interest of trying to come to some accommodation so we can get a vote and still leave money for legitimate programs, like the teenage smoking cessation program and the Medicaid programs in the States, he has been prepared to negotiate below that level. I am not sure he should have gone down as far as he has.

Does the Senator from Texas wish to get into this debate?

Mr. MCCAIN. Can I just make one comment?

Mr. LOTT. He has been waiting.

Mr. GRAMM. I would like to respond to the minority leader, if I may.

Mr. LOTT. Let me go ahead and yield to the Senator from Arizona.

Mr. MCCAIN. What is happening now is what I feared would happen to this bill. It is starting to get very partisan. A lot of things are being said which are not necessarily helpful to the process. I hope that we can end this dialog, now that we have all made our points, and try and sit down and move forward or agree to just move on to other things. I don't think it helps anybody for us to start accusing each other of bad faith or parliamentary maneuvering. I hope that we can move at least——

Mr. LOTT. I say to the Senator from Arizona, I think that is exactly what is happening. And I do think the well is being poisoned tremendously by what has been going on here in the last few minutes. I yield to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. GRAMM. I don't want to get into a long argument with the minority leader, but I have to explain what this is about, in case somebody tuned in the middle of all this.

For several weeks our Democratic colleagues have stood on the floor of the Senate and denounced the tobacco companies, with great justification. But they have proposed a bill that imposes taxes principally on blue-collar Americans, and they have in their bill an incredible provision that mandates tobacco companies to pass the tax through to the consumer.

Despite the fact that it sounds like we have come to a lynching of tobacco companies, the reality is we have a confiscatory tax on their victims, the people who smoke. As my 85-year-old mother has observed, ''You are saying to me I have been victimized, and then instead of taxing the tobacco companies, you are taxing me.''

The tax in this bill is imposed on very moderate income people: 34 percent of it is imposed on those who

make less than $15,000 a year; 47 percent is imposed on those who make less than $22,000 a year; 59.1 percent is imposed on those who make less than $30,000 a year.

Our colleagues say this is not about money. It is not money they want. It is just coincidental that they get $700 billion from blue-collar workers in higher taxes. What they want is to raise the price of cigarettes. My amendment simply says raise the price of cigarettes, but rather than impoverishing the victims, the people who have been induced to smoke, let's take a portion of the money, in this case roughly a third of it, and let s give it back to moderate-income families by eliminating the marriage penalty for families that make $50,000 a year or less.

I basically view this as a rebate of part of this tax. I am trying to take our colleagues at face value as to what they say they want to do. They say their objective is to raise the price of cigarettes not to pass one of the largest tax increases in American history.

When I offered the amendment that would give a third of the money back to blue-collar workers, suddenly our colleagues were all up in arms, and we find ourselves in this situation.

Mr. KERRY. Will the Senator yield?

Mr. GRAMM. I do not yield. I listened to everybody else talk. I simply want my turn.

Mr. KERRY. Will the Senator yield for a question of fact?

Mr. GRAMM. I do not intend to yield until I am through. We hear the minority leader say that we can't afford to give a third of the money back to blue-collar workers who, if they smoke one pack of cigarettes a day, will pay $1,015 of new Federal taxes. People making less than $10,000 a year will see their Federal tax burden go up by 41.2 percent because of this bill. They say we don't have a nickel in this bill that we could give back to blue-collar workers who have been victimized by the very tobacco companies that they denounce. But it is interesting that while they do not have a penny to give back to working people, they have $28 billion to give to tobacco farmers.

Let me try to set this in perspective. Under a provision in this bill, tobacco farmers would be paid $21,351.35 an acre. We would make a payment to tobacco farmers of over $21,000 an acre, and then they could continue to grow tobacco under the same program they grow tobacco under now.

I can go out today and buy a quota to grow tobacco for $3,500 an acre, but yet we are proposing in this bill to pay $21,351.35 for what can be bought for $3,500 today? Why? Basically because this bill is not about teenage smoking, except for about 10 pages of it. And 743 pages of this bill are about the most egregious kind of spending that has ever been observed anywhere in the history of this Government.

Mr. FORD. Mr. President, would the Senator from Texas yield?

Mr. GRAMM. I will not yield.

Mr. FORD. You keep talking about the farmers and misrepresenting it. I just want to correct you.

Mr. GRAMM. I always stand ready to be corrected.

Mr. FORD. You will be.

Mr. GRAMM. I am simply reading numbers out of the bill. Basically, we have 743 pages of mandated spending on everything from maternal and child care health services, funding child care, mandating funding under child welfare, title IV, section (B), and mandating that the funds in this bill be spent by the States be spent on the Department of Education, Dwight D. Eisenhower Professional Development Program, under title II of the Elementary and Secondary Act.

We have in this bill what some estimate is the ratification of a settlement that will pay attorneys $100,000 an hour. Yet we do not have enough money to prevent the impoverishment of blue-collar workers who have been victimized by the very tobacco companies that we assail.

This bill gives all this money—endless billions—to all these groups in the grossest giveaway that I have ever observed in my political career. Groups that would have been happy with hundreds of dollars, in this bill we give them billions of dollars, because the mentality is, as one office seeker called it: ''We won the lottery.'' Well, unfortunately, this is a lottery that is paid for with taxes imposed on blue-collar workers.

What I have proposed to do is to simply take a third of the money so that we still get the full impact of raising the price of cigarettes. However since our colleagues claim this is not about money, I would like to give part of the money back to blue-collar workers by repealing the marriage penalty on moderate-income families who make below $50,000 a year so that we do not end up impoverishing the victims of the whole effort to induce people not to smoke.

Also, let me say that it is not possible to effectively spend the amount of money that is allocated in this bill. It is not possible to spend the billions and billions and billions of dollars in this bill, nor is it wise public policy. So I think if you really wanted to have a bill and you wanted to raise the price of cigarettes, that you would raise the price of cigarettes and you would take the bulk of the money and cut taxes on moderate-income people who are going to pay the costs. So you discourage people from smoking but you do not pound them into the ground economically. That is what I am proposing to do.

What is this deal about suddenly the Democrats want to cut taxes? What is all that about? Well, what it is about is, they think that if they can guarantee their Members that they will immediately get the vote on a figleaf amendment right after we have the real vote, that they can get every Democrat Member to vote against repealing the marriage penalty.

Basically, let me tell you what will happen. I just want to ask people who might watch this vote to watch it happen. When my amendment is voted on, because if anything is voted on, this amendment is going to be voted on, when we reach 51 votes on my amendment, you are going to see about 20 or 30 Members rush down and vote for it right at the last minute. It will pass with 65, 70, 75 votes. But if it only gets 49 votes, none of them will rush down, because what the minority leader is trying to guarantee them is that if they vote against the amendment to repeal the marriage penalty, that they are going to get a vote later on. Their amendment will be a much smaller tax cut, but when they get asked back home, ''Well, weren't you willing to repeal the marriage penalty on working families?'' They are going to say, ''Oh, yeah, I was for it. I just wasn't for that provision. I was for another provision, but I wasn't for that provision.''

So I do not know if anybody is going to be fooled.

Mr. KERRY. Will the Senator yield?

Mr. GRAMM. But the issue really boils down to this: You can denounce the tobacco companies all you want to and rejoice in it. I would join you if I thought it would do any good. But I think we are doing it so much, I am not sure it is achieving its stated objective. In the end, you are not taxing tobacco companies. In the end, you are taxing blue-collar workers in this country, who are going to be brutally punished by this tax if they are addicted to cigarettes and they cannot quit smoking.

In my State, we have 3.1 million people who smoke cigarettes. If they smoke one pack a day, they are going to pay $1,015 in new Federal taxes as a result of this bill. For somebody who is making $10,000 or $20,000 or $30,000 a year, that is a brutal, punishing tax.

All I am saying is, quite frankly, Americans believe this bill is about the $700 billion. They believe that this has long ago stopped being about teenage smoking, that this is really more of the old tax and spend, getting $700 billion of easy tax money and then spending it. It is easy because people believe that we are taxing tobacco companies. When they understand that we are taxing the people who smoke, and who in many cases are addicted and who can't quit, or at least are going to take time to quit, I do not think they are going to be sympathetic to what we have done.

No one can argue that in the endless billions of dollars of money spent in this bill, that we could not give a third of this money back to blue-collar workers by repealing the marriage penalty.

So my goal is to offer the amendment. I hope it will be adopted. I think it is the right thing to do. I think it would marginally help this bill. But my objective is to see that if, in fact, we raise taxes on working people, that we raise the tax to change the price of cigarettes and therefore encourage people to quit smoking. I do not want to

simply raise the tax to spend money on endless Government programs, many of which have nothing to do with smoking. And the ones that have anything to do with smoking, we have endless redundancy in setting up community action programs and international smoking cessation programs and the worst kind of duplicative bureaucracy. The net result will be to hire tens or hundreds of thousands of people, spend hundreds of billions of dollars, every penny of which will come out of the wallets and purses of blue-collar working Americans.

Finally, let me say that someone suggested that if we repeal the marriage penalty, it might help couples where the wife stays at home and works in the home. If that is a criticism, please note me down as having been criticized. I do not have any apologies to make.

I think the people who do the work and pay the taxes and pull the wagon in this country pay too much in taxes. I am not happy that we are getting ready to sock them with another $700 billion of taxes. If I can, through my modest involvement, see that they get a third of the money back, so that we get the impact on smoking without impoverishing blue-collar workers, I want to do it. And that is what I am trying to achieve.

I yield the floor.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, all that the Senator from Texas has said sure sounds good when it gets a one-sided airing. But, fortunately, the Senate has an ability to look for the truth here. And the truth is that this is not a Democrat bill, this came out of the Commerce Committee 19–1—19–1—in a bipartisan vote.

And the fact is that the Senator from Texas talks about wanting to take only one-third of the money. But he doesn't just take one-third. No, he just doesn't tell the full story. The Senator from Texas is not prepared to let the Senate and the American people know what his amendment really does.

So we will show you what it really does. It cleverly, in the first 4 or 5 years, takes one-third, but then it builds up, and over the course of the next 20 years it takes 53 percent over 5 years, 80 percent over 5 years, 79 percent over another 5 years, and 73 percent over the next 5 years. So consistently for a period of 20 years it takes more than 50 percent, and for 15 of those years more than 75 percent. That is extraordinary.

He stands here and says to the Members of the Senate, ''All I want is''—what? 33 percent, one-third. That is just not the truth. The truth is that this amendment of the Senator from Texas not only goes to the people he talks about, those working Americans who will get so brutally attacked, but he is going to give money back to people who, under the aberrations of the marriage penalty, actually get a bonus. Fifty-two percent of the people who get married actually get a bonus because of the way the Tax Code works on the earnings of individuals versus joint filings. He gives the bonus recipients back money, too.

If we are really concerned about restoring and repairing the notion of fairness for people who are hurt by their wage level and the fact that they buy cigarettes, and you will try and fix the marriage penalty at the same time, then we believe the Democrat alternative is a better alternative. The reason the Republicans don't want to let us have the right to vote on it right away is because it is a better alternative and they are afraid what they really need is some time in between them so that the vote which is hanging out there—the only vote that people will see—the public might get mad and telephone Members and say, why didn't you vote for this, because they won't know there is an alternative. That is the game that is going on here.

Under the other alternative, the Democrat alternative, because we make an effort not to wind up taking money from kids that we are trying to stop smoking, not to take money from a cessation program, not to take money from the counteradvertising, and we regard people who, when they got married got rewarded by getting more money under the Tax Code—how can you justify that under these circumstances if this is the tradeoff?

The fact is that under the amendment the Democrats are prepared to offer we give almost double the amount of money that you get under the amendment from the Senator from Texas. For a couple with a split income, say they are earning $35,000. One is earning $20,000 and the other is earning $15,000. Under the Democrat alternative they would get $3,000 back; under the Republican alternative they would get back $1,650. Similarly, for a couple earning $50,000, if it was split $25,000 and $25,000 of income for each partner, in our alternative they would get $5,000 back; under the Gramm alternative they would get the same $1,650 as they would have gotten for the lesser amount.

So we ask Americans to look carefully. Here is a legitimate proposal to change the penalty of the marriage tax, to fix it for the people who are most penalized and to benefit people who are, in fact, most injured. That is the difference between the two. That is what people will have an option of voting on if we are permitted to vote on it in some simultaneous form. Obviously, our hope is we will still be permitted to do that.

Under the amendment from the Senator from Texas, he would, in fact, according to the Centers for Disease Control, he would take money out of the cessation and counteradvertising and school-based prevention.

Now, he complains this bill is somehow going to throw money at ''government programs.'' Well, in his State of Texas, there would be 360,000 less kids who would be eligible to have cessation services made available to them. There would be 3,869,000 kids between the ages of 5 and 17 who would not get school-based prevention programs as a result of his own proposal to strip that money out of the revenues from the tobacco bill. That is what would happen. That is what we are talking about here. We are talking about whether or not there will be cessation programs, whether or not there are going to be counteradvertising efforts, all of which have been proven to work.

So what you really have out here is a fundamental effort to try to kill the bill or stop the bill or just let it go on and on forever. The Senator from South Dakota, the minority leader, was absolutely correct. There is a whole world of difference between the way this bill is being shepherded versus the way every other piece of legislation that has come to the floor this year, where there have been time agreements, cloture motions filed immediately, immediately limited debate, limited number of amendments—move the legislation. We can tell the difference between those who would like to pass legislation or work on it, I think, in a way that will move this legislation to some kind of a final disposition.

The fact is that there is a world of difference between adequately taking care of those efforts that will have the most impact on a proven basis in helping to prevent kids from smoking versus the kind of approach that the Senator from Texas is offering. I would like to vote to cut the marriage penalty. I would like to vote to do away with the whole thing. The question is, Are you going to do it here, when the choice is between reducing kids from smoking or not? That is really what it comes down to when you look at the large amounts of money the Senator from Texas is seeking to take.

We have offered a compromise. We have offered to sit down with the Senator from Texas to try and arrive at a lesser amount of money and see if we can't come to some agreement as to what would be reasonable. I think most people on our side of the aisle would welcome the opportunity to change some part of the formula of how these moneys are spent and certainly envision the capacity to embrace a tax cut in an appropriate form and shape and size—in that context. But if there is a genuine effort to do this, then we ought to be able to make that happen. If there is simply an effort to grab so much money that this bill goes under of its own weight, it will be very clear whose intention was what, and ultimately what the impact was as a result of that.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ASHCROFT. 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. ASHCROFT. Mr. President, I am pleased to have an opportunity to participate in this debate regarding the so-called tobacco settlement. My understanding of this bill does not comport with the understanding that has been recently voiced on this floor by the Senator from Massachusetts. It appears to me this bill, which is a very comprehensive bill, the dimensions of which are so substantial that they deserve clear inspection—we are talking about a major piece of legislation, a tobacco bill which includes this kind of specificity. We are talking about a bill that has 17 new boards and commissions. We are talking about a bill that would add taxes of about $885 billion at the maximum over the course and life of the bill to the budgets of Americans. These aren't costs that go to the tobacco company. These will be additional costs to the people.

I question whether or not this kind of bill deserves the full examination and the full discussion of this Senate; that is a serious question. I have a suspicion that some individuals want to curtail debate on this bill because the bill is finally being seen. There is a dawning. The light of day is beginning to shine on this bill. The American people are seeing that 98 percent of the people are being taxed, while only 2 percent of the teens smoke. The 98 percent of the people that are being taxed are having their costs go up astronomically. Not only are they having their costs go up astronomically, they are having their costs go up on an assumption that if you raise the cost of cigarettes by 10 percent, you get a 7-percent decrease in the amount of utilization by young people. That is an assumption that the studies do not bear out. As a matter of fact, the most recent studies indicate that an increased cost of cigarettes will not curtail young people from smoking. It is simply not the case. At best, the studies are inconclusive. At worse, they show that there is little correlation between a price increase and reduction in youth smoking.

Let me give you some statistics about this. The Cornell study was a study that followed 13,000 children for 4 years. This was not something that was cooked up and done in response to the tobacco industry, or someone like that. It was done at Cornell University, and it was a National Cancer Institute-funded study, so that the funding for this study is credible funding. Here is what the study found:

> . . . little evidence that taxes reduce smoking onset between 8th and 12th grade.

So in that critical exposure period between 8th and 12th grade in school, there is very little evidence that increased taxes would reduce the kind of growth in the numbers of individuals smoking. The economists that conducted this study presented their results on the relationship between higher tobacco taxes and youth smoking to the American Economics Association at their annual meeting in January of 1998. This is a current study. This studied young people and the way they respond in the modern culture. It concluded that higher taxes have little effect on whether young people start to smoke. Little effect.

Here is what the study concluded:

> Taxes are not as salient to youth smoking decisions as are individual characteristics and family background.

In other words, whether children begin smoking doesn't relate to taxes near as much as it does to family background and characteristics of the children.

This study, which followed 13,000 young people for 4 years, says:

> We find little evidence that taxes reduce smoking onset between 8th and 12th grades.

They estimated that a $1.50 tax increase would decrease the smoking onset by only about 2 percentage points, from 21.6 percent of the 12th graders to 19.6 percent of the 12th graders.

When you suggest that the change in the smoking habits would be that small—they had to conclude as follows, and I will quote from the report of Cornell University, a report funded by the National Cancer Institute, which put it this way:

> Our data allow us to directly examine the impact of changes in tax rates on youth smoking behavior . . .

In other words, they said they had enough data to draw conclusions.

> . . . and our preliminary results indicate this impact is small or nonexistent.

So this massive tax increase—$868 billion to a new estimate of $885 billion—on the American people, over the course of the life of this settlement, is supposed to produce some kind of a reduced incidence of youth smoking. Yet, the very best data from the latest studies, sponsored not by the tobacco people, but by the National Cancer Institute—a 4-year study—indicates that the taxes would have a small or nonexistent affect.

That reveals what this bill is all about. It is about big Government. It is about big taxes. It is about new agencies. It is about an invasion of the taxpayers' pockets. It is striking to note that there is $350 million a year in this bill. And with the 50 States, that is $7 million per State. That is $7 million per State, on an average, that goes overseas to fund studies in foreign countries about how costly cigarette smoking is in those cultures.

For the life of me, I can't figure out why we want to have Government bureaucracy, funded by a tax on the lower income people of the United States of America, to make it possible for Third World countries and others overseas to have studies on how costly smoking is in their culture. A number of individuals would prefer that they have it not be so costly here. The truth of the matter is that 59.4 percent of all the individuals who will be paying this tax, according to the best estimates we have, will be individuals whose income is less than $30,000 a year.

So we have a massive tax bill, three-quarters of a trillion dollars, focused on the lowest income people in America, on the presumption that it will curtail smoking among young people. But the best academic research we have indicates that young people are not sensitive to price. As a matter of fact, the study conducted by Cornell University, funded by the National Cancer Institute, indicated that there is little or nonexistent impact by that kind of tax in terms of curtailing smoking by young people. This is a study done by the folks at Cornell University, which is a well-respected institution. We would expect that the National Cancer Institute would fund a study that is fairly done. It studied a lot of children, and 4 years is a long period of time. We would not expect this study to have been done in a slipshod manner. It does come to the conclusion that indicates this isn't a very productive way to try to curtail youth smoking. The economists stated the study raises doubt about the claim that tax or price increases can substantially reduce youth smoking.

Well, obviously, there are very serious doubts. But there is no doubt about what this bill is about. It is about an $885 billion increase in the taxes to be focused on low-income individuals in the United States.

Let me just cite another study. Economists at the University of Maryland and the University of Chicago conducted a similar study that analyzed data concerning more than 250,000 high school seniors for the period from 1977 to 1992. Now, this is a longitudinal study; you get from 1977 to 1992, so it is a 15-year-long study. This is the largest sample ever used for a study on the subject. So you have a quarter of a million students studied over a 15-year period.

Here is what they found. They found the relationship between price and youth consumption is ''substantially smaller'' than suggested by previous studies.

In addition, not only do we have the Cornell study on this idea that you can reduce smoking by 7 percent with a 10-percent price increase, which says that it is nonexistent or would have little impact at all, but this other study was done by the University of Maryland and the University of Chicago over a 15-year period on a quarter of a million students. It says there is a substantially smaller than previously suggested link between taxes and smoking.

Many of us could just look at the circumstances that we see around us and have an idea that price isn't the primary objective or consciousness on the part of young people. When we look at young people wearing $140 tennis shoes because they have a certain logo on

them, I think we can get the idea that there is something in addition to price here; there is status and statement, which are very important to young people. Price becomes irrelevant in the context of status and statement.

Let's get out of the area of studies and look at what happened when price increases have been put into effect. In 1989, California raised its cigarette excise tax by 25 cents per pack, but there is no evidence that cigarette smoking declined. Now, this was an 11 percent increase of the tax. That is a major increase. If we were to see that kind of increase, we would expect there to be a decline. No evidence of a decline. As of 1994, researchers were ''unable to identify a decline in prevalence [among 16-to-18-year-olds] associated with the imposition of the excise tax.''

In Canada—and this is the most commonly cited arena cited by those who want to have this massive settlement imposed on the American people at the cost of more than three-quarters of a trillion dollars to the people. In Canada, our neighbor to the north, the federal government increased cigarette taxes in several stages in the late 1980s and early 1990s—from $10.75 per thousand cigarettes to $24.34 in 1986 per thousand cigarettes, then to $38.77 in 1989 per thousand cigarettes, and then to $62.90 in 1991 per thousand cigarettes.

So you go from $10 per thousand, or about a penny a cigarette, to 6 or 7 cents per cigarette, over the period of time. So you had an increase, at first, of a penny per cigarette, and then an increase of 6 cents per cigarette. Although it has been stated on the floor by proponents of this legislation that smoking decreased during that period, they failed to talk about the years 1991 to 1994.

Here is what happened. When the tax rates were the highest in that nation's history, and when the tax rates were the highest in that nation's history during that period, smoking rates among 15- to 19-year-olds rose from 21 to 27 percent. That is a 25-percent increase—more than a 25-percent increase in the number of teens smoking at the time when the cost of cigarettes was at the highest in history. Frankly, when the cost of cigarettes in Canada was at the highest in history, I think it is pretty clear from the testimony of others on this floor that the black market was operating the most aggressively at that time. So we are probably seriously underestimating the fact that the growth was about 25 percent in the number of teens who were smoking.

If the argument that rising prices will reduce teen smoking, it stands to reason that youth smoking should increase as prices fall. If you are going to say that higher prices cause teens to stop smoking, then lower prices would probably cause teens to start smoking. However, a year and a half after significantly reducing tobacco taxes in Canada, according to the ''Survey on Smoking in Canada,'' teen smoking ''remained stable.''

What we really have from our experience of observing Canada is that teens aren't very much affected by price. That confirms what the study indicated at the University of Maryland and Chicago. It confirms what the Cornell study indicated. It confirms what happened in California. What happens, as a matter of fact, is that teens are not affected very much by price. The fact that is ignored by those who argue teen smoking declined in Canada due to the significant tax increases is that youth smoking declined in the United States by 30 percent during the same period—from 1977 to 1990—without a price increase.

There are times when teen rates of smoking haven't gone up in either culture. If they were parallel in both cultures as a result of other factors, and taxes went up in one and not in another, it makes it pretty clear that the tax increase in one was irrelevant to whether or not teens smoked. Here we have a situation where we are imposing a tax on 98 percent of the cigarette consumers who are adults on the presumption that it will change the smoking habits of the 2 percent who are teenagers when the studies and the real world information simply do not bear out this as a justification for this kind of massive tax increase.

In the United Kingdom, between 1988 and 1996, the per pack price of cigarettes was increased by 26 percent. Although cigarette volumes fell by 17 percent, the percentage of weekly smokers aged 11 to 16 went from 8 percent in 1988 to 13 percent in 1996. So it turns out in the United Kingdom the number of youngsters who were smoking went up, even when the number of people smoking overall went down. It went up from 8 percent to 13 percent in spite of the fact there was a 26-percent increase in the price of tobacco.

The University of Chicago, and Maryland, Cornell University, a study funded by the National Cancer Institute, the experience in California, the experience in Canada, the experience in Great Britain—these are experiences which indicate to us that this is more a bill about taxes than about increasing the size of government. It is about sending the hard-earned dollars of individuals in the United States overseas to fund these studies in other countries, to provide a basis for a variety of interests in the United States being well funded; but this is not a bill which addresses the issue of teen smoking in a responsible way.

The Centers for Disease Control has compiled data on brand preferences which support the conclusion that young people are not particularly price sensitive. The ''price value'' or discount segment of the cigarette market comprised 39 percent of the overall cigarette market in 1993. Yet, according to the CDC, less than 14 percent of adolescent smokers purchase generic or other ''value-priced'' brands. On the average, the people were price sensitive, but when you got to teenagers they weren't.

This point was echoed by the government's lawyer defending the FDA tobacco rule, who told the U.S. district court, ''[P]rice, apparently has very little meaning to children and smoking, and, therefore, they don't smoke generic cigarettes. They go for those three big advertised brands.''

All of a sudden, we come to this place where we are going to pile on the taxes, pile them on low-income individuals. Those making less than $30,000 a year will pay nearly 60 percent of this $885 billion tax burden. And we are doing it in the face of the information of these university studies that are current, that are recent; in the face of the data from California, and data in Great Britain; and in the face of the Federal Government's lawyer arguing in the U.S. district court in the FDA tobacco case where he said, ''price apparently has very little meaning to children and smoking.'' They aren't affected by price.

We have a situation where we have had cloture filed on this bill. There are those who do not want the kind of debate about price and about taxes, about the fact that the price isn't really as significant as they would like to portray on teen smoking. And if we slow this bill down enough for people to look at it carefully, they might figure out that this bill isn't what is needed at all. Certainly, most people do not think we need another three-quarters of a trillion dollars in taxes focused on the hard-working, lower-income individuals in America.

This is a bill about taxes. It is a bill about money. If you look carefully at this bill, it has everything from foreign aid in it to more of the child care proposals of President Clinton. It is time, if we are going to have taxes increased, that we do something constructive with the tax increase, and we give it back to the people in terms of respecting an institution which America has long understood to be at the core of the potential for a bright future for this country. We are talking about the institution of marriage.

I commend Senator GRAMM who brought to the floor a proposal which would eliminate the marriage penalty on individuals who are low-income individuals, to say to them that we don't think you should have to pay higher taxes merely because you are going to be married; you are going to make the durable, lasting commitments of marriage that are likely to be the basis for strong families that are the foundation and the future of America, we don't think you should pay for that in terms of higher taxes.

Both Senator GRAMM and Senator DOMENICI have indicated they would eliminate the marriage penalty for individuals making less than $50,000 a year with some of the resources generated by this measure. Obviously, there are those who are expecting to spend those resources on more government programs and are terrified by the fact that we might think about giving

the money back to the people. You have to understand this is at a time when the U.S. Government is in surplus. It is expected—even conservative estimates—that there will be a $39 billion surplus this year, nearly $60 billion in surplus next year, and we shouldn't be here debating how to spend more of the taxpayers' money. We should be here debating how to give money back. And Senators GRAMM and DOMENICI, the Senator from Texas and the Senator from New Mexico, have come forward with a plan to reduce taxes to the extent that you end the marriage penalty and to say to people, we are not going to penalize you for having the durable, lasting commitments of marriage that become the foundation.

Frankly, I am very enchanted by the idea of eliminating the marriage penalty, and this will not end the debate on the marriage penalty. I will continue to offer amendments until it is eliminated, whether this passes or not. The marriage penalty is a pernicious attack on the values and principles of America. It is time that we aligned the policy of America with the principles of the people of America.

I commend the Senator from New Mexico and the Senator from Texas for their outstanding work, but I think this cloture motion was filed because people are beginning to understand. The idea is that, well, we filed cloture on some other matters; maybe we should file cloture on this. I think that has been suggested. I don't think that is the case. I think the people are beginning to understand this is a massive tax increase. And because it is, I think that cloture is inappropriate at this time. We have a responsibility to debate what we will do with $885 billion in revenue. I think it should be given back to the people who have paid it.

With that in mind, I urge Senators to oppose in every respect the motion for cloture, to vote against it. This is a measure which deserves the light of day. It deserves the dawning of day. The American people really ought to have a chance to look carefully at it, understand it, and to see it clearly. They ought to see it in the context of what it seeks to do—tax individuals, primarily low-income individuals, at very substantial rates—and the result will be substantially more Government. The studies indicate that the impact on teen smoking as a result of that tax is very likely to be minimal, if existent at all.

It is with that in mind that I think we ought to take very seriously the proposals to abolish, to take the tax out of this bill. And if we don't do that, we ought to do what we can to give back the money which is collected from the hard-working people of America. The idea that we should somehow proliferate Government in response to this situation is an idea which, when exposed to the full light of understanding, will be rejected by the American people. Certainly Washington appears to be the only city in the world where a bad decision, the decision to smoke, made by free people, becomes the basis for taxing those free people, taxing them in ways that will make it very difficult for them to provide for their families.

My own view is that that is inappropriate. We should reconsider the position that is being offered here, and I believe the kind of tax relief that has been offered by the Senator from Texas and the Senator from New Mexico is the kind of relief that ought to be considered in the event there are any taxes in this measure.

With that in mind, I will do what I can to make sure that we have the opportunity to consider a variety of proposals which would extinguish and end the marriage penalty in our law, if there are resources being collected from the American people under the guise of a tobacco settlement.

Mr. President, I yield the floor.

Mr. MCCAIN. Mr. President, I respect the views expressed by the Senator from Missouri. He has spoken long and eloquently on this issue in the Chamber. I did hear him just say that bad decisions by free people to smoke—bad decisions by free people to smoke—shouldn't be taxed.

I am intrigued by that comment, especially since what we are talking about here is free children. I thought that the obligation of my party and Government was to care for children, was to keep them out of harm's way, and do what we can to lead them into better lives.

When the Senator from Missouri said ''bad decisions by free people,'' I was really sort of shocked, because the Senator from Missouri should understand the intent of this legislation. The intent of the legislation is to try to stop companies that have been enticing the children—my children, all America's children—to take up a habit that is going to kill them. So it can be interpreted as a massive tax increase; that is what the latest media reports I see are—$60 million worth of attack ads calling it a tax increase. That seems to have been sort of accepted by the American people as fact. I guess if you spend enough money on an advertising campaign, it may have some significant effects.

It seems to me that for Americans to believe that this is simply a reason to tax them, then there has been a very significant effect.

But I think we are all aware that what we are trying to do here is cut taxes on the American people. You do that by stopping people from smoking, because right now $50 billion a year in Americans' tax dollars go to treatment of tobacco-related illnesses. And that $50 billion a year, Mr. President, is not a static number, because according to the Centers for Disease Control, and other sources, children smoking is going up in America; therefore, you are going to have more people who need treatment because approximately a third of those children who begin to smoke will die early or need treatment for tobacco-related illnesses. So the present $50 billion tax per year that the American people are paying will increase. So I don't know why it is so hard for some people to understand that if we do nothing and the present trend continues, the tax burden on all Americans—high income, low-income Americans—will go up, not down.

I think it is also important to address the issue that seems to be talked about so much by opponents of the legislation, about the burden that this tax—I am beginning to do it myself—that this increase in the cost of a pack of cigarettes will have on low-income Americans.

First of all, to state the obvious, as the Senator from Missouri said, it was a bad decision, and these people do smoke, which is their choice. And I certainly sympathize with those who find it nearly impossible or impossible to stop. It is extremely difficult, because it is an extremely addictive substance, but it still is a voluntary act. But also, we find out, and it is very disheartening, that it is the children of lower-income Americans whose smoking is increasing in America. And to somehow feel that low-income or middle-income or high-income Americans would not do whatever is necessary not just for themselves but for their children I think is contradictory to what I know and believe about the American people.

Mr. President, we had not the most pleasant exchange that I have observed in this Chamber recently, not the most unpleasant either, by the way, but it wasn't pleasant. Obviously, we have been on the bill now nearly 2 weeks. We know we have the press of other business. We know we have legislation that needs to be addressed—the Department of Defense bill, 13 appropriations bills, and others are necessary. There is a certain level of frustration that was manifested here. I believe we must come to a point where we should decide to end the debate—which, as I say, now has been going on for nearly 2 weeks—or move forward with the bill. In the event of cloture, as we all know, germane amendments to the bill would still be in order.

I should also like to remind my colleagues of the consequences of going off the bill. If we do not pass this legislation through the Senate and through the House and then in conference and signed by the President, I think some think the issue will therefore disappear from the American scene. Quite the contrary, Mr. President. The reality is that if the Congress does nothing, then there are 37, and perhaps more, attorneys general who are lined up to sue the tobacco companies for the injuries that have been inflicted on the people of their States.

I think there are several drawbacks to this course of action. One of them, to state the obvious, is that the amount of legal fees that will go, the amount of money that will go in the

form of legal fees, to the plaintiffs' lawyers will be dramatically higher than that envisioned by this bill and, frankly, will be much higher than what I would envision in an amendment that will be passed in the Senate which will place further restrictions on attorneys' fees.

Second, of course, is that it will be a long, drawn out process. I do not think there is any doubt as to who would prevail. There have been trials in four States, all of which have not gone to a jury because the tobacco companies, for obvious reasons, have chosen to settle, the last being the State of Minnesota—$6.5 billion was the agreement by the industry. And along with that agreement, with that settlement, was an agreement by the tobacco companies to do many of the things that have been attacked on this floor.

A massive tax hike? Guess what, the price of cigarettes all over America went up 5 cents because of the requirement to settle the Minnesota case. I think it is also of some interest that the $6.5 billion that the tobacco industry agreed to is roughly double the amount that would have been received under the settlement that was an agreement entered into between the attorneys general and the tobacco industry. So the cost, if you go on a State-by-State basis, assuming that they all either settle or juries award large settlements, then the cost goes up. And the so-called tax, massive tax that is so concerning to many of my colleagues, is higher. When you extrapolate it out over all 40 States that are in court—and I imagine the other 10 would join sooner or later—then that is more money added to the cost of a pack of cigarettes than envisioned by this legislation.

But let me tell you what bothers me the most about having these cases go to the States—which they will. I would like the Senator from Missouri to find me one legal expert in America who does not believe that the day that this legislation leaves the floor of the Senate there will be, in the words of a well-known plaintiff's lawyer, a ''rush to the courthouse,'' not only by the attorneys general but by many of the plaintiffs' lawyers in America.

But what bothers me the most about this, and the reason I am saddened a bit to contemplate it, is the fundamental purpose of this legislation is to act as soon as possible to stop the children from beginning to smoke. The day the President signed this bill, massive amounts of money would be spent to begin youth smoking cessation programs. Large amounts of money would be spent on research, not only to find out what causes kids to smoke, but also to find cures for these terrible diseases, the largest causes of death in America—the heart disease, the lung cancer, the emphysema—the terrible ways that people die as a result of the use of tobacco. So, all that will be delayed. And the most terrible delay, of course, will be the effect that we could have, in a beneficial fashion, on children in America.

There are some on this floor who have said raising the price of a pack of cigarettes will not do it, these cessation programs don't do it, et cetera. I think they are entitled to their opinions on that issue, but I depend upon the opinion of experts. I depend upon the opinion of every living Surgeon General since 1973—every living Surgeon General in America. Their letter has long ago been made part of the RECORD. They say that you have to have a comprehensive approach to this problem. I agree with every—literally every—public health group in America, whoever they are, you name them—I read the list of them into the RECORD the other day—who say you have to have a comprehensive settlement if you want to stop kids from smoking. I agree with Dr. Koop. I agree with Dr. Kessler. I agree with the eminent people in America who have spent their lives, literally, on this issue, who say don't think you can solve it by just a simple tax increase.

I would also like to say I think the States deserve reimbursement. We, on this side of the aisle, at least, have always advocated a situation where we try to reduce the financial burden on the States. We are always pleased and proud when we pass things like no unfunded mandates and return money to the States to use however they want, since, after all, it is theirs that they send to Washington, DC. If we do not do this settlement, of course, there will be no money that goes back to the States; it will all just come to the Federal coffers, and bureaucrats will then decide, or one can make the case that the appropriators will decide.

So the Senator from Missouri made an eloquent argument that we should continue debate on this issue and that we should not cut off debate because the American people need to be better informed. I would say to the Senator from Missouri, who I note is here on the floor, they have been pretty well informed by somewhere between a $60 million and a $100 million tobacco advertising campaign by the tobacco companies. They have been pretty well saturated in that area. Most major pieces of legislation—the expansion of NATO, for example—in the 12 years that I have been here, almost every major piece of legislation takes about 2 to 3 weeks. And, of course, that is only the largest legislation that we consider.

I also think there are many, many organizations out there who are informing the American people. But, again, far more important than that, there are people who are suffering from very terrible diseases as a result of their use of tobacco, and the sooner we get money into research and find cures for these terrible diseases, the better off they will be and we will be as a nation. Every single day that we debate this issue and not bring it to some conclusion or the other, 3,000 children will begin to smoke. We can debate whether this is a good bill or a bad bill and how it should be changed, but there is one fact that cannot be changed, and that is what it is doing to the young people of America.

So I would argue if, at the end of today, 3,000 more children have started to smoke and 1,000 of them will die early, maybe we ought to spend more time here and get this issue resolved and maybe not go home this weekend. Maybe we should spend this weekend debating this issue, trying to reach some conclusion. Instead, either late tonight or early tomorrow morning we will all be gone. The majority leader just talked a little while ago about how hard it is to get people here on Monday.

Perhaps—perhaps—we will go to work maybe on Tuesday. Friday, Saturday, Sunday, Monday—4 days; 12,000 young people will begin to smoke while we enjoy our extended weekend.

I believe that we should try and keep that in mind. My argument, Mr. President, in a rather drawn-out fashion, is that there are compelling reasons why we should act on this issue either one way or another. Maybe in the wisdom of the Senate this is not a good piece of legislation, and we should drop it. But let's go ahead and drop it sooner rather than later so that the process will begin in the other 36 States that have sued the Federal Government; the additional 10 that, I am sure, will be in line; so that the plaintiffs who have suffered injury and the relatives of those who have suffered deaths because of tobacco can begin their trip to the courthouse so that they can receive the compensation they feel they deserve because of what happened to them as a result of years of tobacco—whether they deserve that or not is up to a judge and jury—but especially the attorneys general awaiting to see what the U.S. Congress does. I hope that we can act in as rapid and efficient fashion as possible.

I remind my colleagues that I was asked, as chairman of the Commerce Committee, to bring this bill to the floor of the Senate and to get it through my committee. We had a full day of markup, and I am in disagreement with the remarks the Senator from Missouri made the other day about discouraging amendments. I, in fact, encouraged amendments, and the Senator from Missouri had several which were voted on. They had to do with product liability. They didn't have anything to do with reduction of taxes. But that was the right of the Senator from Missouri.

I don't believe he could find any of my colleagues who would argue that there wasn't a full addressing of that legislation during that day. At no time did I try to cut off anyone's right to propose an amendment on a piece of legislation that serious. In fact, if I remember, I was somewhat entertained the Senator from Missouri even proposed as an amendment a piece of legislation which I and Senator

LIEBERMAN have cosponsored, which was his right. But I don't believe that anyone was shorted during that very interesting markup. In fact, literally every Senator on the committee was heard from and, again, in my 12 years on the committee, I have never seen nor been part of such an extensive markup as took place on this bill in the Commerce Committee.

I was asked to bring this bill to the floor, and it was reported out of the committee by a 19-to-1 vote. Then the majority leader scheduled it for floor debate, which is the responsibility of the majority leader.

I, along with the Senator from Massachusetts, have tried to manage this bill. But I say to my colleagues, there is no point in us staying on this bill forever. It is obvious that we won't. For example, today we have not had a single amendment voted on, and we seem to be hung up in some kind of parliamentary maneuvering which some observers might say is a reason to impede the progress of the bill, because we all know we don't stay on any piece of legislation forever.

I hope we can work out our differences. There are pending amendments. There is a very important drug amendment we would have liked to have brought up today. I don't know if we will. It is nearly 4 o'clock now. But I believe it is important that we either move forward and resolve the issue, or we go on to other issues that are compelling issues as well. The Department of Defense authorization bill—and I am a member of the Armed Services Committee—is waiting to be debated and resolved. It is very important that we address the needs of the men and women in the military and our Nation's security. There are many other pieces of legislation that are awaiting action on the part of the Senate, which argues that we proceed with this legislation or move off it.

I would feel rather badly if we do, but I also point out that, in my own very subjective view, I would have done whatever I could to see that this issue was brought to completion.

Mr. President, I yield the floor.

Mr. ASHCROFT addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. ASHCROFT. Mr. President, I appreciate the fact that people want to make this a bill about cessation of teen smoking. I want teens not to smoke. It puzzles me, though, that they look past the studies: Cornell University, with 13,000 students showing that price doesn't make much difference at all to them. They look past the University of Chicago and University of Maryland saying that price is way overrated. They look past the experience of Canada when price was going up dramatically, smoking was going up among young people. They look past the United Kingdom where smoking went up among teens when price was going up, and they talk about teen smoking, and yet they don't make the possession of cigarettes by teenagers illegal or inappropriate in the bill.

This Congress has authority over the District of Columbia. If we really were serious about saying it is wrong for youngsters to have cigarettes or to have tobacco or thought it inappropriate, we could make it illegal for them, but this bill doesn't do that.

What does this bill do? This bill raises taxes. It creates new government programs. It funds the priorities of the Clinton administration. It is an $885 billion tax increase, and who pays the tax? The tax gets paid by low-income individuals. Mr. President, 59.4 percent of the individuals who will be paying this tax will be individuals who earn less than $30,000 a year.

Some have said, ''Well, we should be voting on amendments.'' I agree we should. There was a unanimous consent order proposed today which provided for votes. I agreed to it. I didn't stop it. The majority leader proposed it. He proposed to have votes to lay these issues in a context where they could be dealt with, where they could be voted on, where they could be disposed of, and those on the other side of the aisle rejected it.

We can't have it both ways. We can't say that this is a bill which is going to stop people from smoking and we are going to collect $885 billion when they do smoke. If they stop smoking, the money won't be there. What we all know is they are going to keep smoking; that is why the money will be there.

We can't say this will help the children of poor families when we are going to make the poor families pay $1,200, $1,600 a year in taxes and take that off the table of those families and out of their budgets. We can't say we are going to stop teens from smoking when we don't even care enough to make it illegal for teens, where we have jurisdiction, to possess cigarettes.

This is a tax bill. It is a massive tax bill. It is a massive government bill. It promotes government agencies not only in the United States but overseas. There is $350 million each year in this bill to send overseas, so that countries overseas can conduct studies about what it costs to smoke in other countries, not the United States of America.

I think this is the kind of priority that no wonder people don't want this bill slowed down enough for the American public to see: Taxing people who make less than $30,000 a year in the United States to fund studies overseas so that they can conduct studies about what it costs to have cigarette smoking in other countries. I don't believe that is what Americans are interested in. That is not going to help young people in the United States.

The Senator from Arizona says the States deserve reimbursement. He said this is hard on the States, and then he sort of bragged about how hard this is on tobacco companies. I am not worried about the States or the tobacco companies as much as I am about the people of the United States. They are the ones who deserve reimbursement, if anybody deserves reimbursement.

And here we have an elevated taking by the Federal Government, another three-quarters of a trillion dollars over the life of this bill—taking from these people instead of giving to them. We come to do this at a time when the Federal Government is looking at a revenue surplus.

It just seems to me that we ought to be debating how to give back the money to the people rather than taking these resources from the people. I do not object to amendments. I do not object to a UC which would allow further amendments. Very seldom do we have bills here where we get it right the first time. I think it is good to have debate on these issues. I think it is good that the studies be brought forward. It is good that the people have an opportunity to see exactly what the community has been able to decide when it has observed the facts, the reality of situations not only here but in other settings.

It is with that in mind, I believe it is important to move forward with the amendments, like that of the Senator from Texas and the Senator from New Mexico which would abolish the marriage penalty, to say to those families, ''We want you to be able to have the kind of right to deploy your own resources rather than have Government spend the money. And we don't think we should penalize you because you have involved yourself in the durable, lasting commitments that form the basis of the family,'' the most important institution in our culture.

So it is with that in mind that I have risen to criticize this bill and to unmask it. This bill is substantial. It has more pages than the average person probably reads, more pages than the average Senator reads. And reading this bill is important. It is in here that you find out about the Federal programs that are tucked away, the mandated spending for the States. It is in here that you find out about the kind of special limitations that were to be provided to the cigarette companies in terms of their liability. If you care so much about the children, why limit the amount of money in damages that tobacco companies would have to pay in? Why provide them with a special sanctuary?

It is this bill that deserves our consideration. It is in here that you find the massive tax increases and the spending on new and other programs. I believe we ought to add to this that if we are going to have taxes, we will give the taxes back by way of saying, as the Senator from Texas and the Senator from New Mexico have said in their proposal, the marriage penalty ought to be abolished for individuals making $50,000 or less. I would abolish it for all individuals. And, frankly, I am going to continue offering amendments about the way to spend the money, not to

spend it through Government but to send this money back to the American people. They earned it. They should have the opportunity to spend it. The idea, ''You send it; we spend it,'' being the slogan of this place is a bad idea. It should be, ''You earned it; we returned it.''

It is not wasted on me that the cloture motion was filed when the debate on the marriage penalty got going. A lot of people don't want to unmask the policy of this country that we penalize people for being married. A lot of people don't want to debate the issue of whether we should have all these new programs or whether we should give people the money back that they earned and we took from them merely because they were married.

I do not blame people for not wanting to reveal if they are against wanting to give the American people their money back, that if the American people learn we are taking their money simply because they are married, that we have the opportunity to give it back but we would rather give it back to programs here in Washington or even overseas. That is an embarrassment. It is no wonder individuals want cloture filed and feel we should shut down debate.

I do not want to shut down debate, but we should move forward with tax relief for the American people, and we should be very reluctant about imposing $885 billion of new taxes in the name of programs for which it is accordingly suggested that somehow young people will not begin smoking.

The idea young people start smoking at 3,000 a day—it may be true. If we can believe the studies at the University of Chicago, the University of Maryland, Cornell University, if we can believe the experience of California, Canada, the United Kingdom, the kinds of things they have talked about in these taxes here that are involved in this bill will not make a difference.

The truth of the matter is, the academic studies of thousands, tens of thousands, hundreds of thousands, indicate that to talk about taxes making a big difference in youth smoking is overstated. And these are not studies by interest groups; these are studies by the National Cancer Institute; these are studies by the University of Maryland, the University of Chicago, Cornell University.

So it is time for us to understand this debate is about taxes. It is a debate about Government—big taxes, big Government; massive taxes, massive Government.

We are not even making illegal the possession of cigarettes for children in the District of Columbia. If we thought that was really important, we could add that to this bill. No; that has not been done. We just simply make it possible for Government to grow. No wonder people are uncomfortable, especially when there is a proposal that says we could allow families to grow by returning the money to families and stop penalizing them just for having the durable commitment, the lasting bond that comes when people are married and are now penalized for that in our Tax Code. This would be an opportunity, according to the plan of the Senators from New Mexico and Texas, to alleviate that.

I yield the floor.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER (Mr. ENZI). The Chair recognizes the Senator from Arizona.

Mr. McCAIN. Mr. President, very briefly, the Senator from Missouri states that there are many studies and documents that indicate that increasing the price of a pack of cigarettes will not have an effect on kids smoking.

Let me refer him to the people who know it best, the absolute ultimate experts on the cost of a pack of cigarettes in America—the tobacco companies. I say to the Senator from Missouri, in the documents revealed by the tobacco companies themselves, a Philip Morris document:

> In any event, and for whatever reason, it is clear that price has a pronounced effect on the smoking prevalence of teenagers. . ..

I hope that the Senator from Missouri would read from the documents that the tobacco companies themselves had to disclose because of court order.

Philip Morris: The following quotes are from a Philip Morris 1981 document based on the company's review of research by the National Bureau of Economic Research on the impact of price on tobacco use. Because of the quality of the work, the prestige and objectivity of the National Bureau of Economic Research has not changed in 30 years. I think we need to take seriously their statement that, ''If future reductions in youth smoking are desired, an increase in Federal excise tax is a potent policy to accomplish this goal.''

> In any event, and for whatever reason, it is clear that price has a pronounced effect on the smoking prevalence of teenagers, and that the goals of reducing teenage smoking and balancing the budget would both be served by increasing the federal excise tax on cigarettes.

Philip Morris, in a quote from a 1987 document: Philip Morris laments the teen smokers that it lost due to price increases.

> You may recall from the article I sent you that Jeffrey Harris of MIT calculated . . . the 1982 and 1983 round of price increases caused two million adults to quit smoking and prevented 600,000 teenagers from starting to smoke. Those teenagers are now 18 to 21 years old, and 35 percent of older smokers smoke a PM brand. This means that 700,000 of those adult quitters have been PM smokers and 420,000 of the nonsmokers would have been PM smokers.

A 1982 RJR document, on the tobacco industry's analysis that price increases have a significant impact on youth smoking: This analysis actually calculates the number of new smokers lost among kids as young as 13 years old, and every other age between 13 and 18, if prices are increased. Philip Morris—the chief financial officer for Philip Morris, less than a year ago, told everyone involved in the tobacco industry negotiations that, ''Children are three times more price responsive than adults.''

That is the chief financial officer for Philip Morris.

The National Academy of Sciences, in its 1998 report, ''Taking Action to Reduce Tobacco Use''—the Institute of Medicine and the National Academy of Sciences concluded that ''the single most direct and reliable method for reducing consumption is to increase the price of tobacco products, thus encouraging the cessation and reducing the level. . ..''

This list goes on and on. I know the Senator from West Virginia was here a second ago and wants to talk.

The 1994 Surgeon General's report preventing tobacco use among young people—now, the Surgeon General is fairly well respected—reached the conclusion that increases in the real price of cigarettes significantly reduce cigarette smoking, and that the young people are at least as price sensitive as adults.

The 1998 Surgeon General's report issued within the last month agrees with this conclusion.

What is important, though, really, are the tobacco companies themselves. I say if you can believe anybody, maybe you might believe the people who are in the business of enticing kids to smoke.

Brown & Williamson:

> The studies reported on youngsters' motivation for starting, their brand preferences as well as the starting behavior of children as young at five years old. The studies examined younger smokers' attitudes toward addiction, containing multiple references as to how very young smokers first believe they cannot become addicted only to later discover to their regret, that they are.

Brown & Williamson:

> . . . nicotine is addictive. We are then in the business of selling nicotine, an addictive drug, effective in the release of stress mechanism.

RJR consultant:

> Happily for the tobacco industry, nicotine is both habituating and unique in its variety of physiological actions.

I won't go on except to summarize again from the Philip Morris document:

> In any event, for whatever reason, it is clear that price has a pronounced effect on the smoking preference of teenagers.

I imagine there are studies that the Senator from Missouri could produce to which he referred.

The people who are the final experts on this are the people who sold it to the kids. And they know, and we all know, that it is price sensitive as far as kids smoking is concerned. To think otherwise flies in the face of the overwhelming body of evidence, not only in the words of the tobacco companies, but the Surgeon General of the United States of America.

We want to call it a tax, call it a tax. Don't say it isn't going to affect kids

smoking, because the overwhelming body of evidence says that it does. Everybody is entitled to their opinion but not everybody is entitled to the facts.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WELLSTONE. 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. WELLSTONE. Mr. President, I ask unanimous consent that I be allowed to speak for 15 minutes as if in morning business.

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

Mr. WELLSTONE. I thank the Chair.

HUMAN RIGHTS CONDITIONS IN CHINA AND TIBET

Mr. WELLSTONE. Mr. President, earlier this week, I spoke of a resolution on China that I introduced and that we will offer as an amendment as soon as there is a vehicle to work with, I think probably next week—certainly before the President's visit to China. I wanted to briefly summarize it. Let me just say that I am really pleased to have the support of Senator LUGAR, Senator DURBIN, Senator LEAHY and Senator FEINGOLD, and I think there will be very strong bipartisan support for this, what will be an amendment.

The focus is on human rights conditions in China and Tibet. Let me just say I don't come to the floor in a spirit of bashing our President. Since our President will be the first head of state of our country to visit China since the 1989 crackdown where really students—I see pages here—young people your age were murdered, gave their lives, and for the ''crime'' of just simply calling for the country to be a democracy, I wish the President would not go to Tiananmen Square. I think that is a mistake. My worry is that regardless of what statements the President makes about human rights in China—and I hope he will make some powerful statements—the symbolism of visiting that very sacred place where students were murdered will overwhelm everything else and will be taken, will be used by the Government or will be interpreted by people in China as reflecting a kind of carte blanche support of the Government. I think that would be a mistake.

Now, I want to refer to the State Department's China country report this past year on human rights and practices. This is not my report. This is our own State Department report.

> The Government continues to commit widespread and well documented human rights abuses in violation of internationally accepted norms stemming from the authorities' intolerance of dissent, fear of unrest, and the absence or inadequacy of laws protecting basic freedoms.

I think the Assistant Secretary of State, John Shattuck, who has focused on human rights, has really done some magnificent work, and I think this State Department report is extremely important.

What we are going to call on the President to do in our amendment—and we will have a vote on it next week. I think it is terribly important the Senate go on record before the President's visit, because the President is going to visit China. Whether Senators think he should or not, the President is going to visit. I personally think it is not unimportant to be having a discussion with the Government there. I am not opposed to a discussion. But the question is what kind of discussion, what kind of visit, and what does the President say.

At the very minimum, we are going to call upon the President to secure from China's leaders a pledge to remove by a certain date the names on the official reentry black list, which now contains the names of more than 50 Chinese living in the United States who cannot return to China because of their advocacy of democracy and freedom. In other words, there are some people in our country who think the fact that Wei Jingsheng, who was released from prison, is now in our country, exiled in our country is a sign he has his freedom. I doubt any American would feel he or she was free if they were exiled from our country and told, if you come back to the United States, you will be immediately arrested. That hardly represents freedom. So we want to make sure that by a certain date the Chinese Government removes these names on this official reentry blacklist.

Second of all, that the President—and let me emphasize this. I emphasized it this morning—visit family members of the victims of the 1989 massacre, many of whom still suffer from political harassment, discrimination, or persecution.

I will say in this Chamber: Mr. President, if you are going to visit China, I hope you don't go to Tiananmen Square. I hope you will give some forceful speeches on human rights, but at the very minimum you could convey a very powerful message to the world, to people in China, to the Chinese Government, and to these families if you would visit the family members, or some of the family members of victims of the 1989 massacre, many of whom today suffer from political harassment and discrimination and persecution. I think that would be a powerful message. I believe the President should do this.

Third of all, I think the President absolutely has to urge Chinese leaders to engage in a meaningful dialog with the Dalai Lama, with the aim of establishing genuine cultural and religious autonomy in Tibet. In the past year, matters have only gotten worse in Tibet. No one is arguing to the contrary. No one is arguing to the contrary.

The President must call upon China to revise its vague, draconian security laws, including the provisions on ''endangering state security,'' which were added to the criminal code in March of 1997; and release unconditionally all political, religious, and labor activists detained for their peaceful, nonviolent involvement. In other words, it is important to understand, when someone like Wei is released, that releasing some individuals doesn't deal with 2,000 political prisoners that you have in prison. That doesn't deal with all sorts of prisoners in forced labor camps. The President has to call upon the Chinese Government to live up to basic human rights standards—that is where our country should be; that is what we should stand for—and review the sentences of more than 2,000 who have been convicted of so-called counterrevolutionary crimes with a view toward granting full amnesty.

Mr. President, I come to the floor today because it is the anniversary of the massacre at Tiananmen Square, and I think it is really important that we speak up. I think the Chinese Government would like nothing more than for Americans not to speak up. I think the Chinese Government would like for the world to forget what happened. We cannot. But above and beyond that, I do not want this just to be dramatic in the worst way or symbolic. I think what the President can do if he is going to visit China is not go to Tiananmen Square, certainly visit the families of the victims of Tiananmen Square, and certainly give some powerful speeches and statements while in China which call upon the Chinese Government to release people who are in prison for having committed no other crime than to speak out for democracy and freedom; for the President to say to the Government of China—frankly, we should be saying it to governments all over the world that do this—you cannot persecute people because of their religious practice or because of their political viewpoint. We have to be on the side of human rights throughout the world. I really hope that next week, if not tomorrow—the first opportunity I get I will bring this amendment to the floor —we would get very strong support for this amendment.

Mr. President, I see my colleague from Nevada is here, and I will yield the floor.

Mr. BRYAN. Mr. President, first, I would like to thank my colleague from Minnesota for his unfailing courtesy.

Mr. President, I ask unanimous consent that I might speak as if in morning business for a period of time not to exceed 7 minutes.

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

Mr. BRYAN. I thank the Chair.

(The remarks of Mr. BRYAN pertaining to the submission of S. Res. 243 are located in today's RECORD under ''Submission of Concurrent and Senate Resolutions.'')

Mr. BRYAN. Mr. President, I yield the floor and suggest the absence of a quorum.

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 secondhand 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 deglamorizing 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 industrywide 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 predominately 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.

Mr. President, I ask unanimous consent that a letter that I cherish from Senator Goldwater after my first appearance on the floor managing the budget bill be printed in the RECORD.

In his own manner, he would go back to the office frequently and dictate a brief letter. This is one of those, which he gave to me in 1981, as I started down this long process trying to balance the U.S. budget. He gave me a little encouragement and enthusiasm. I thought it might be good to just show what kind of person he was to younger Senators like myself back in 1981, along with all the things I wanted to say.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, July 3, 1981.

Hon. PETE DOMENICI,
U.S. Senate,
Washington, DC.

DEAR PETE: When your class came into the Senate something inside of me said, this could be the best that every came along since you've been here. As I watched all of you develop through the years, nothing has happened to change that original opinion.

Your handling of the budget bill was done in a superb manner, probably as well done as any I have ever listened to and that includes some real old pros. You did a wonderful job with it Pete. I am proud of you and I am going to watch your future with a great deal of interest. You are going to go a long way.

With pride and best wishes,

BARRY GOLDWATER.

NATIONAL TOBACCO POLICY AND YOUTH SMOKING REDUCTION ACT

The Senate continued with consideration of the bill.

Mr. DOMENICI. Mr. President, I don't know where the bill before the Senate goes next, but obviously I have joined with Senator GRAMM in trying to make a statement about this bill. In the process of trying to do that, there are many ways to make statements and there are many ways to talk about what is in a bill, what is out of it, what is not in the bill, to argue about what its value is, what its ultimate goal is, and what it might achieve.

There is another way, and that is to offer an amendment or amendments. There are a lot of amendments pending. As I indicated, I don't know how many of them are serious. I have five or six myself that I think are serious that in due course I will offer. I would like to discuss, from the standpoint of those who are wondering about the Gramm-Domenici amendment to cut taxes on a very deserving group of Americans, what it is all about.

When you raise taxes on anybody in the United States, you have to ask yourself a very fundamental question of what you ought to do with the taxes you raise. Now, if America were undertaxed and we were taxing Americans—be it a cigarette tax that at $1.10 a pack would yield over time $750 to $800 billion, or whether it is an income tax or sales tax—you have to ask yourself, if America is being taxed too much already, shouldn't something very high on the list of considerations for what to do with the increased revenue be a consideration of lowering the taxes on Americans?

Obviously, there have been some arguments already, and there will be more about the amendment which we offered which, hopefully, will be modified, that says let's give back some of the taxes we pick up here to Americans who are suffering the penalty of a Tax Code that punishes people for being married and earning a living by both spouses working. For they, in most cases, pay more in taxes than if they both had the identical jobs, at the same annual earnings, and were not married and filing separate returns—one of the most onerous, ill-conceived uses of the Tax Code.

How in the world can we run around, as policymakers, and say we favor the family and then add a burden of taxation to spouses, who are part of a family, by taxing them more because they are married and working than if they were single and working? That has to be an absolutely absurd policy in light of the problems we have in this country that are family oriented, and many of them have to do with income of families.

Secondly, it is obvious that every cent of a cigarette tax that we all of a sudden came up with and has been debated on the floor as a tax that should be $1.10, maybe $1.50, maybe 75 cents, and then for somebody to come to the floor and assume that whatever the level is, every penny of it ought to be spent for new programs—now, that isn't the way it is said; it is said, new programs to do some great things.

Well, I think everything the Government tries to do and spends money on ought to be things we really believe are important things, important aspects, important events, important projects. Now we are reinventing a bunch of new ones, and then we are saying to the States: You spend your money in very specific ways.

I don't care who agreed to the ways that we are going to send this money back to the States to be spent, it seems to me the question has to be asked first, How much is needed to direct a program that has a probability of success in terms of making our young people alter their smoking habits and quit smoking? And nobody can say that you need a huge portion of this tax bill to run advertisements on that, to have programs in our schools or wherever to try to inhibit that. That can't come close to spending the amount of money that is in this bill.

Mr. KERRY. Will the Senator yield?

Mr. DOMENICI. Mr. President, this is my first speech in a couple of days. I am sorry. I will yield soon. In fact, I will yield the floor.

Mr. President, the point is that nobody can stand up on this floor and say we knew when we started talking about cigarette taxes and how much it would yield precisely how much ought to be spent for some American programs that would help alleviate the smoking problem, or even research more into the cause of cancer and try to cure it. Nobody knows what is the right number, but everybody knows that as much money as this bill will raise is not needed for that.

Anybody in their right mind would look at how much is coming in and how much you need to do precisely the kind of things that people say this bill ought to do, and it is not close to the amount of money that is coming in. So that leads you to a conclusion, in my humble opinion, that you ought to give some of this money back to the taxpayers of the country.

I cannot believe we are so unconcerned about the taxpayers of this country that we would sort of block off this $700 billion in new revenues—if that is what it is over 25 years—and say, look, the American people and their tax-paying requirements have nothing to do with this new tax imposed on them. Why not? Why do we say that? We are adding to the tax ''take,'' and we give no benefit to the American people for these new taxes we are going to raise.

Back to my argument. One way to try to send a message and distinguish between various approaches, which I choose to call tax and spend it all, or another group who would say tax and give some of it back to the American people who already feel, in many instances—and they are right—that they are paying too much in taxes.

Now, that is why the Gramm-Domenici amendment is important. I have already stated its precise purpose is to try to ameliorate the negative tax treatment on married couples, both of whom work, from a Tax Code which penalizes that versus the same two people making the same amount of money, but not married, and are part of a family—they pay less.

So the purpose is good, but the message is completely different. The message is, when you have this much new revenue, shouldn't you give some of it back to the taxpayers of America? Nobody is going to be able to come to this floor, with our ability to proliferate in producing charts, and tell the American people with any credibility that every single dollar coming in on this tax has a nice precise niche that it should be spent for, all of which is aimed at helping to try to get kids to stop smoking cigarettes. Or I am willing to add one—doing research and trying to prevent the diseases that come from smoking. Take the two together and you could not produce a credible chart showing how every penny in this bill must be spent for that or you are not doing your job.

So I believe that, sooner or later, we deserve an opportunity to have an up-or-down vote on the proposition that I have just described here today. It is very simple. One, do you think you should change the Tax Code as it pertains to the marriage tax penalty and

help families and married couples out who are being penalized because of this Tax Code? And, two, do you think that, with this large new tax being imposed, you ought to give about a third of it back to the taxpayers of this country? We want the public to just focus, very simply, on those two issues.

This bill will permit us to do both. I have no doubt, Mr. President, that what is left over is more than adequate. In fact, I am not sure I would vote to spend all of the money that is left over for the program described in this bill. Nonetheless, that is not at issue with reference to the Gramm-Domenici amendment.

The issue is a simple proposition: Do you think the marriage tax penalty ought to be fixed? Secondly, do you think when you have this huge new tax increase, you ought to give some of it back to the American people? We want to vote on that. That is a way of distinguishing between the feelings of various Senators about a new tax bill that is essentially, in its current form, tax and spend versus another approach that says tax—which may be helpful, we are not sure—and give some of it back to the American people. Under that is the very interesting proposition that there probably is no fairer thing to do with better, positive American policy than to fix the marriage tax penalty while you are at it.

I yield the floor.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I am interested to hear these comments by Senator DOMENICI. Just a short time ago—a month ago—Senator COVERDELL proposed an amendment on the budget resolution that would have repealed the marriage penalty or marriage tax, and a budget point of order was lodged against it. The Senator from New Mexico, apparently, for reasons that are not clear, voted against waiving the Budget Act. Now the Senator from New Mexico will say that he didn't want to waive the Budget Act. The fact is that if the Budget Act had been waived, the marriage penalty would have been repealed.

Mr. DOMENICI. Will the Senator yield?

Mr. MCCAIN. No. That is a fact. That is what the vote was on the budget resolution. It was not carried by a vote. It was rejected 38–62; 38 Republicans felt strongly that the marriage tax should be repealed. Those who voted against it were Senators BOND, CHAFEE, COATS, COCHRAN, COLLINS, D'AMATO, DEWINE, DOMENICI, GORTON, GRASSLEY, HAGEL, JEFFORDS, LUGAR, MACK, SNOWE, SPECTER, and STEVENS.

Mr. President, I have a letter sent to Senator LOTT and Senator DASCHLE. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEAR SENATORS LOTT AND DASCHLE: As the Senate continues to consider tobacco legislation, the nation's Governors want to make clear that we will oppose any amendments that would effectively reduce the $196.5 billion in tobacco settlement funds dedicated to states and territories to settle state lawsuits. Naturally, the federal government is free to prioritize how it will use those tobacco revenues generated by S. 1415 not reserved for the states and territories—a total that will exceed $300 billion over twenty-five years. These federally prioritized uses of tobacco revenues, however, must not cut into the state settlement pool.

If national tobacco legislation is intended to settle the state and territories' lawsuits against the tobacco industry, they must receive a portion of the new tobacco revenues sufficient to resolve their claims. S. 1415 dedicates $196.5 billion to the states and territories over twenty-five years, a total consistent with the level negotiated by the state attorneys general with the tobacco industry in the original June 20, 1997, agreement. Preserving this state settlement pool, free from federal recoupment efforts, is one of the Governors' highest priorities related to S. 1415.

Reducing the size of the state tobacco settlement pool will significantly jeopardize all states and territories, including those that have individually settled their own lawsuits. Such a decision would force the Governors to reconsider our position on the state financing section of the overall bill.

Sincerely,

Governor George V. Voinovich, State of Ohio; Governor Roy Romer, State of Colorado; Governor Thomas R. Carper, State of Delaware; Governor Lawton Chiles, State of Florida; Governor Bob Miller, State of Nevada; Governor Michael O. Leavitt, State of Utah; Governor Howard Dean, M.D., State of Vermont; Governor Jim Edgar, State of Illinois; Governor Frank O'Bannon, State of Indiana; Governor Terry E. Branstad, State of Iowa; Governor John Egler, State of Michigan; Governor Mel Carnahan, State of Missouri; Governor Jeanne Shaheen, State of New Hampshire; Governor David M. Beasley, State of South Carolina; Governor Tommy G. Thompson, State of Wisconsin; Governor Benjamin J. Cayetano, State of Hawaii; Governor James B. Hunt, Jr., State of North Carolina; Governor Edward T. Schafer, State of North Dakota; Governor John A. Kitzhsber, State of Oregon; Governor Pedro Rossello, Puerto Rico; Governor Don Sundquist, State of Tennessee; Governor Gary Locke, State of Washington; Governor Christine T. Whitman, State of New Jersey; Governor Cecil H. Underwood, State of West Virginia; Governor John G. Rowland, State of Connecticut; Governor E. Benjamin Nelson, State of Nebraska; Governor Mike Huckabee, State of Arkansas; Governor Gary E. Johnson, State of New Mexico; Governor Zell Miller, State of Georgia; Governor Tom Ridge, State of Pennsylvania; Governor Pete Wilson, State of California; Governor Parris N. Glendening, State of Maryland; Governor Marc Racicot, State of Montana; Governor Jim Geringer, State of Wyoming; Governor Lincoln Almond, State of Rhode Island; and Governor Angus S. King, Jr., State of Maine.

Mr. MCCAIN. Mr. President, the Senator from New Mexico clearly feels that the money needs to go to the Federal Government. I feel, and I think conservative Republicans feel, it should go back to the States who incurred the expenses. If the Senator from New Mexico doesn't want the money to go to the States, then he will continue to see two things happen—the money never coming to the Federal Government because the States will continue their lawsuits and the settlements—at least in the last four States—of as much as $6.5 billion, as in the case of Minnesota; and none of that money will go to the Federal Government. Not a penny. The fact is that the money will go back to the States to repay the huge tax bill they are paying now; $50 billion in citizens' tax dollars are going to pay, in the case of Medicare and Medicaid expenses, for tobacco-related illnesses.

Now, there are some who want this to come to the Federal Government so that the appropriators and the Budget Committee can assign the funds to wherever they want. I want a significant amount of that money to go to the States. They are the ones who have been paying a big part of the bill. If the Senator from New Mexico and the Senator from Texas want to kill this bill, then there will be 37 States that go to court, beginning the day after this legislation dies, and they will fight this out in court. They seem to win every time. They don't even go to a jury trial, Mr. President.

The tobacco companies settle, and guess what they do? They agree to smoking cessation programs and they agree to all the huge bureaucracies that have been pointed out. They go to reimburse Medicaid expenses. They pay for antitobacco advertising because the States that get the money believe that in order to stop kids from smoking, you don't just raise a tax—although that is important. You don't just raise revenue, but you have to do other things as well.

So I hope my colleagues will pay attention to the letter from the 36 Governors—I am sure the other 14 will be joining—as to how they feel about legislation that doesn't repay them for the expenses that they incurred as a result of tobacco-related illnesses.

I see that my colleague from Massachusetts wants to speak as well. Let's dispense with this myth about this being a ''big tax bill.'' What it is is a much smaller tax bill than the tax bill that the American people are already paying in the form of Medicare and Medicaid expenses in order to pay for tobacco-related illnesses. And with children smoking going up, guess what, Mr. President? That tax bill goes up. It will get bigger and bigger. So if you want to worry about big tax bills, there is a huge tax bill we are paying right now. We will be paying a much larger tax bill if this trend of kids smoking continues to grow.

I yield the floor.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. I will be very brief. I know the Senator from Oklahoma wants to speak momentarily. How long does he think he will go?

Mr. NICKLES. I was going to speak for a few minutes. I feel that I would like to respond to a couple of comments made by the Senator from Arizona.

Mr. KERRY. Mr. President, I will be brief. I wanted to say for the Record, so that the Record is absolutely clear here, the Senator from New Mexico said that we are going to get a vote and we ought to be able to get a vote in order to properly allow the American people to receive back some of the money that is in this bill that he has charged is somehow being very badly spent.

I think it is important to understand that, No. 1, the division of the money, the revenues, that come in from this bill, was not arrived at in some sort of hasty or unthought-out way. It is not representative of a casual wish list. This is a reflection of what the Governors and the settlements originally arrived at as a notion of those concerns that ought to be addressed through any tobacco legislation.

Second, they are a reflection of the Commerce Committee that voted 19 to 1 to send this legislation to the floor with a framework that articulated the broad outlines of how money would be spent and, finally, through a fairly arduous negotiation process which measured very carefully the needs.

The Senator said he would challenge anybody to come to the floor and suggest they could defend that every penny in here is being spent as wisely as possible. That is not a hard challenge to fail on. I am not going to try to do that, nor would anybody.

Can we find some money here appropriately to try to address the question of the tax cut? We said yes. That is not the debate here. This is not the choice that he presented to the Senate, a choice either between those who want to give something back to people who want to pay a marriage penalty and those who do not. That is not the choice; it is a choice between two different approaches to doing that. We believe that we have the right to have an opportunity to have ours also voted on, that they ought to be voted on at the same time. That is what the division is over here.

I think it is important to reflect on the fact that 40 percent of these funds go back to the States in the most direct way, a reflection, I think, of the need of the Governors to be given the opportunity to make decisions about how they can best deliver back their portion of the Medicaid expenses, which is what we are refunding.

In addition to that, money is not just spent in a supercilious way, the way the Senator suggested on a whole lot of Government programs that do not already have a track record of accomplishment. Public health, NIH—I might say it was the Senator from Florida, Senator MACK, a Republican, together with Senator FRIST, who fought very hard for the notion that there ought to be adequate research funds here. NIH and research are 22 percent of these funds.

In addition to that, farmers—I think both sides are competing over how to better take care of the farmers. That reflects some 16 percent of the expenditures, leaving you with only 22 percent that goes to public health—22 percent—that is then divided among counteradvertising, cessation programs, and other kinds of efforts to try to reduce teenage smoking.

The Senator from Missouri was on the floor a little earlier, and he was trying to suggest that there are alternative studies and the Canadian experience that somehow suggests an outcome different from what we get by raising the price here.

I simply say for the record—very quickly, because I don't want to tie the Senate up now—that I know we want to have a vote, that the methodology of the Cornell study that he referred to was very specifically found flawed, and it was found flawed both in the number of people that they examined and the manner that they examined them. When that flaw was corrected for the appropriate acknowledgment of that flaw, in fact, the Cornell study came out consistent with almost all other studies with respect to the impact of price on smoking.

It is interesting to me that those who want to come to the floor and criticize the relationship of price to discouraging kids from smoking completely choose to ignore all of the memoranda of the tobacco companies themselves, that for 20 years have said they know they lose smokers when the price goes up. Their own memoranda say it. You can't have it both ways, it seems to me. The fact is, there is a correlation.

On the Canadian experience, the Canadians specifically, as they saw an increase in their price, there was a decrease in the amount of smoking, and there was an equilibration ultimately between their prices and ours.

The Canadian experience, in fact, documents that the pattern of youth smoking in Canada confirmed the sensitivity of youth to price changes. In 1981, Canada had a youth smoking rate that was about 50 percent higher than that in the United States. Over the next decade, they raised their prices by over 100 percent and teen smoking fell by almost one-half.

Mr. President, we need to deal with the facts here. I hope that the Senate will do so as we vote over the course of the next days.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

AMENDMENT NO. 2438

Mr. LOTT. Mr. President, in an effort to move things forward, I move to table the Durbin amendment No. 2438, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Mississippi to lay on the table the amendment of the Senator from Illinois. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk proceed to call the roll.

Mr. LOTT (when his name was called). Present.

Mr. NICKLES. I announce that the Senator from Utah (Mr. HATCH) is necessarily absent.

I also announce that the Senator from Pennsylvania (Mr. SPECTER) is absent because of illness.

I further announce that, if present and voting, the Senator from Utah (Mr. HATCH) would vote ''yea.''

Mr. FORD. I announce that the Senator from Delaware (Mr. BIDEN) and the Senator from Hawaii (Mr. INOUYE) are necessarily absent.

The result was announced—yeas 29, nays 66, as follows:

[Rollcall Vote No. 149 Leg.]

YEAS—29

Allard	Frist	Nickles
Breaux	Gorton	Robb
Bumpers	Hagel	Roth
Burns	Helms	Smith (NH)
Campbell	Hollings	Stevens
Coats	Kyl	Thomas
Cochran	Lugar	Thompson
Enzi	Mack	Thurmond
Faircloth	McCain	Warner
Ford	McConnell	

NAYS—66

Abraham	Dorgan	Lautenberg
Akaka	Durbin	Leahy
Ashcroft	Feingold	Levin
Baucus	Feinstein	Lieberman
Bennett	Glenn	Mikulski
Bingaman	Graham	Moseley-Braun
Bond	Gramm	Moynihan
Boxer	Grams	Murkowski
Brownback	Grassley	Murray
Bryan	Gregg	Reed
Byrd	Harkin	Reid
Chafee	Hutchinson	Roberts
Cleland	Hutchison	Rockefeller
Collins	Inhofe	Santorum
Conrad	Jeffords	Sarbanes
Coverdell	Johnson	Sessions
Craig	Kempthorne	Shelby
D'Amato	Kennedy	Smith (OR)
Daschle	Kerrey	Snowe
DeWine	Kerry	Torricelli
Dodd	Kohl	Wellstone
Domenici	Landrieu	Wyden

ANSWERED ''PRESENT''—1

Lott

NOT VOTING—4

Biden	Inouye
Hatch	Specter

The motion to lay on the table the amendment (No. 2438) was rejected.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, since the last amendment was not tabled, I ask unanimous consent that the yeas and nays be vitiated; that the amendment be agreed to; and that the motion to reconsider be laid upon the table, all without further action or debate.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendment (No. 2438) was agreed to.

AMENDMENT NO. 2451 TO AMENDMENT NO. 2437

(Purpose: To stop illegal drugs from entering the United States, to provide additional

resources to combat illegal drugs, and to establish disincentives for teenagers to use illegal drugs.)

Mr. LOTT. Mr. President, I now send an amendment to the desk in the second degree, which is the so-called Coverdell-Craig drug amendment.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT] for Mr. COVERDELL, for himself, Mr. CRAIG, Mr. ABRAHAM, Mr. FAIRCLOTH, Mr. INHOFE, Mr. SESSIONS, and Mr. GRASSLEY, proposes an amendment numbered 2451 to amendment No. 2437.

Mr. LOTT. I ask unanimous consent that reading of the amendment be dispensed with.

Mr. DASCHLE. Reserving the right to object, I only do so to note to my colleagues that this is the third Republican amendment now in a row. And I am hopeful we can continue to alternate back and forth, but I will not object.

Mr. LOTT. I thought we just voted on the Durbin amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

Mr. LOTT. Was there objection?

The PRESIDING OFFICER. There was no objection.

Mr. LOTT. For the information of all Senators, pending now is the drug amendment. I hope Senators will begin to debate this very important amendment. I know that there are very strong feelings on this amendment also. However, no further votes will occur tonight. I expect the debate on the amendment to continue through tomorrow's session.

The minority leader filed a cloture motion on the committee amendment earlier today. That cloture vote will occur on Tuesday, at a time to be determined after discussion between the two of us and after consultation with others in terms of schedule. So there will be no votes in Friday's session of the Senate.

However, Senator DASCHLE and I are looking at bills that are relatively noncontroversial or noncontroversial that we may be able to take up tomorrow during the day. And the vote would be scheduled in the group on Tuesday morning when we vote, at a time we will notify the Members later on on Tuesday.

Now, again, I hope we can reach agreement tomorrow to provide for a vote on this amendment, hopefully prior to the cloture vote; but all Senators will be notified about the voting schedule. I urge the Senators who have been working on the marriage penalty tax to continue to work to get an agreement on that amendment so that we can have a vote on it. We will try to see if we can reach agreement perhaps to consider another bill on Monday. But we will continue on amendments to the tobacco bill beginning after the cloture vote is defeated on Tuesday morning.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Senate is not in order.

Mr. DASCHLE. Does the majority leader yield?

Mr. LOTT. I will be glad to yield, Mr. President.

Mr. DASCHLE. The majority leader noted that tentatively the vote, the cloture vote, is scheduled for Tuesday. There are only two ways that could occur. One would be for us to seek unanimous consent for the vote to be postponed until Tuesday; or, secondly, that we are not in session on Monday, which would then make Tuesday the next business day when the cloture vote would ripen.

I am hopeful that the majority leader and I can find a way with which to resolve the schedule that will accommodate both sides. So I hope that perhaps we might tentatively announce that the vote will be held on Tuesday, but certainly if we are in session, I am not prepared at this point to agree to a unanimous consent request that would move it to Tuesday until we have been able to talk through the balance of the schedule.

Mr. LOTT. Mr. President, if I could respond. I thought that Senator DASCHLE and I had talked about it and had an agreement that we would do it on Tuesday morning. I realize we have to get consent to do that. The alternative is, as he said, that we not be in session on Monday, which is, I guess, a possibility, but it is pretty hard to complain about not making progress when we are not in session working on something.

The other alternative is to come in at an early hour; and approximately an hour after that time, the vote occurs then, which means that the vote could be at 1 o'clock, 2 o'clock, Monday afternoon, which, for Senators coming from California and Utah and Washington State, that presents a real problem because their planes do not get here until about 4:30.

So I was hoping we could take that time Monday to make some progress on some other issue or have debate on this issue and have the vote that everybody will be here for at 9:30. But it would be fine with me that we have it earlier in the afternoon. But I just assume that both sides will have problems with that. We will talk about it further, and we will hotline the Members on exactly what time they can expect that cloture vote to occur.

Mr. ROCKEFELLER. Would the majority leader yield?

Mr. LOTT. I would be glad to.

Mr. ROCKEFELLER. I would ask the majority leader if he intends to bring up the highway corrections bill, because if he does, I have an amendment I would like to offer. It is a very simple amendment, very direct amendment. And I cannot do that unless it is brought up.

Mr. LOTT. We would not bring it up without Members being on notice who have an interest in it. That technical corrections bill does need to be done. I believe it is supported on both sides of the aisle and by the administration. We need to get that done, and we would need to do it by unanimous consent. But if the Senator has reservations, he will be notified about it. But we will get it done, and we would want to do it without a modification.

Mr. ROCKEFELLER. May I say to the majority leader, I also am very anxious to get it done, but in the spirit of being able to offer amendments. And unless I am able to offer an amendment, I would have to object to——

Mr. LOTT. I say to the Senator, it is important we get these technical corrections done, because some legitimate, honest mistakes were made and several important projects could be affected. And we need to do it as soon as we can. But unless we can get unanimous consent, it will not be done. It has already passed the House. So we will have to find a way—I am working with Senators on our side, too, as I know Senators are working over there, to clear up concerns.

There are other ways to address those concerns. And we are trying to get that worked out. We need to get it done. We need to do it by unanimous consent. And I, in fact, have met with one Senator this afternoon and discussed how to address a legitimate concern he has. So we will work with the chairman.

Did the chairman want to respond to this at all?

Mr. CHAFEE. No. What I have been trying to do is narrow down the problems that have come up. And I had down on the list to see the distinguished Senator from West Virginia. As you said, we want to get this thing done. I think we can get it done and take care of problems by explaining them or getting to them in some fashion. So I look forward to meeting with the Senator from West Virginia.

Mr. LOTT. Mr. President, I now yield the floor so the manager of the bill can speak.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, just briefly, I would like to congratulate the Senator from Illinois on the significant vote. In fact, a number of Senators experienced an epiphany late in the vote because of his persuasive powers. So I congratulate the Senator on his vote.

I just want to make it clear, Mr. President, we intend to move forward. We will have a vote on the Gramm amendment. We may have a Daschle amendment. I happen to think it is fair that we go back to what we originally started doing—one amendment on either side. I think that is the fair way that most legislation has been conducted on the floor since I have been here.

We intend to move forward. We intend to reach a conclusion. I hope that

both the majority leader and Democratic leader will consider trying to bring this to closure next week. We have had now 2 weeks of extensive debate and amending on the issues.

It seems to me outstanding are the tax issues that Senator GRAMM and Senator DASCHLE may have; the issue of attorneys' fees is going to come back up, I believe; and, of course, then there is the agricultural issue outstanding. But aside from that, Mr. President, I do not think there is a lot of new ground to be plowed. I think we need to move forward. I believe we will move forward. And I am still confident—I am still confident—that we will bring this issue to conclusion sooner rather than later, to coin a phrase.

Mr. President, I yield the floor.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, I rise to speak on the amendment before us, the amendment that has been offered by myself, Senator CRAIG from Idaho, and Senator ABRAHAM from Michigan.

I will take just a few minutes to frame in general terms the purpose of this amendment. And then my colleague from Idaho will address the amendment and outline its details.

My good friend from Idaho will not be here tomorrow so he will be making a major presentation this evening, and then tomorrow I will return to elaborate further on the amendment.

Let me first try to put it in focus. We are talking about teenage addiction, and have been for the last several months, specifically on the floor, over 2 weeks. I have been struck by the fact that a major piece of legislation would be brought to the floor of the Senate, proposed by the administration, to deal with teenage problems, and addiction specifically, and be totally silent on the issue of drug addiction.

The majority of drug abuse among teenagers—the majority—is by smoking, smoking marijuana, which is a more lethal and damaging drug than tobacco. Yet, this legislation was silent on the issue.

The amendment is designed to end the silence. Teenage drug abuse is the No. 1 teenage problem—No. 1 by any measurement, teenagers, their parents, or empirical evidence. For us to have dealt with this issue and to have remained silent would have been unconscionable.

If I can for a second outline the scope of the problem. In 1979, 14.1 percent, or 3.3 million teenagers age 12 to 17 were involved with consistent drug abuse.

Mr. DURBIN. Will the Senator yield?

Mr. COVERDELL. I yield.

Mr. DURBIN. I ask the Senator for a clarification on his amendment, which I had a chance to read.

The Senator was kind enough to support my amendment to vote against the motion to table and yet there is language in his amendment which suggests that my amendment is made null and void by your new amendment.

Is that the Senator's intention?

Mr. COVERDELL. No, it is not.

Mr. DURBIN. I am happy to clarify that. So the Senator still supports my amendment.

Mr. COVERDELL. That is not my intention, to obviate.

Mr. DURBIN. It is not your intention.

I thank the Senator for yielding.

Mr. COVERDELL. Let me continue, for the Nation to step forward with the powerful will to drive down teenage drug abuse by two-thirds—two-thirds—for those people who think this is a problem for which nothing can be done, I remind everyone listening that when the Nation decides to commit itself to resolving this drug epidemic, it can make headway. For example, in 1979, 14.1 percent were using it. By 1992, it had been driven down to 5.3 percent—2 million less youngsters were using drugs. But then something went wrong, something has gone badly wrong.

Since 1992, drug abuse by this same class of teenagers has increased 135 percent. I repeat, 135 percent. What does that mean? That means that drug abuse has more than doubled since 1992. Drug abuse is now affecting 2 million teenagers. It has increased by over a million. This is a devastating indictment on contemporary drug policy in the United States.

The Nation's will must be rejuvenated. This amendment will do that. When this administration took office, we quit talking and hearing about drugs. The drug czar's office was collapsed. Gratefully, it has now been reopened. It was collapsed. The Coast Guard was diminished. Interdiction was cut in half. The country was flooded by drugs. The price of these illicit drugs dropped by 50 to 80 percent, so they became accessible at every corner and to any school in the Nation. If you don't believe that, just go to the school and ask the students. They can tell you the designer names of the drugs. They can tell you exactly how long it takes, and it is usually no longer than 30 minutes.

So we should not be shocked that drug abuse is skyrocketing and is a new epidemic among teenagers. It is even made more sad by the fact that in the 1960s and the 1970s, the last drug epidemic we suffered, higher-aged teenagers, 15 to 20, were involved in the drug crisis. Now the target is age 8 to 14.

We have been asking the President repeatedly to set forth the goals of his administration during his administration to arrest this epidemic. The response is that they will lower drug use among teenagers back to the level at which they took office, 10 years from now, in the year 2007, 2½ Presidencies away. Our goal is to get it back to where it was when they took office. This is unacceptable. We cannot wait 10 years.

So this amendment is a bold interdiction. It focuses on interdiction. It improves the antinarcotic struggle by Customs, by DOD, Department of Defense, by DEA, by the FBI, by the Coast Guard. It dramatically increases the funding of the interdiction budget. It stiffens penalties and it creates a communication program to communicate to parents and students about the dangers of the drug epidemic in which they live today.

It is our intention, myself and my coauthors, that whatever passes the Senate, will have an antidrug component. It will not be silent on the Nation's No. 1 problem for teenagers. That is unacceptable. It will be an expression to reignite the Nation around the will to confront this epidemic and these narcotic mafia who are the most serious and dangerous the Nation has ever—I repeat, ever—confronted.

I applaud the efforts of my colleagues who have joined me in this effort. We are going to have a vigorous debate about it.

I yield the floor at this time in deference to others who wish to speak.

Mr. ABRAHAM. Mr. President, I will be brief tonight. I will speak at greater length about this amendment tomorrow. I want to thank my colleagues. I am pleased to join Senators COVERDELL and CRAIG on this amendment.

Tomorrow I will be citing some statistics, Mr. President, that reveal the extent to which the young people of this country confront an ever increasing and alarming rate of drug usage.

We obviously are attempting, in the context of this tobacco bill, to address one of the problems and challenges facing young people, but I think as I talk to at least the families in my State, as high as any challenge or problem that they see confronting their kids, particularly children starting as early as seventh and eighth grade, is the illicit use of drugs, and, unfortunately, the growing number of individuals who are making those drugs available to our young people.

Our amendment is designed to begin the process of addressing that in a far more aggressive fashion than has been the case during the recent 4, 5, 6 years. We have seen, as I think most of the Members of this Chamber know, that during the last 5 years, the use of drugs among young people has gone up after a lengthy period of decline. And it is important, I think, as we confront the issue of tobacco, that we likewise confront the issue of drugs.

I join both of my colleagues in saying that I fervently believe no legislation should leave this Chamber absent provisions that are strong and tough antidrug provisions. So I thank my colleagues and I will speak more about it tomorrow. I am glad it is now before the Senate so that we can proceed on this amendment.

I yield the floor.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, I am pleased that the time has come for the

Senate to begin debate on a portion of the legislation before us that I think, if accepted by this body, will be the most significant thing that we can possibly do.

Mr. President, even before the bill before us was brought to the floor of the Senate, the question of tobacco has been, for many months, one of the major issues of public debate, if not the major issue in some quarters.

The Clinton administration, in particular, has crusaded for legislation supposedly aimed at preventing America's teens from taking up a deadly habit, arguing that the need for this legislation is so strong that questions of cost and constitutionality, or the ordering of social priorities, are left by the wayside. Even raising such questions is to invite the accusation of being a tool of the big tobacco companies. How dare you stand in the way of this legislation.

Not long ago, Mr. President, I was in Idaho speaking to a group of high school students. This was just as the tobacco issue was starting to break out at the top of most news stories. I asked these kids what the biggest problem facing them and their peers was and what that problem was doing to their lives. When I mentioned tobacco, I'll be honest with you, I was a bit surprised. I was surprised that a lot of hands didn't go up because that is what the media had been talking about, what the front pages were telling us. In fact, Mr. President, only a few hands went up. But when I asked about illegal drugs, almost every hand went up. There was hardly a young person in any one of those high school groups that I spoke to that didn't see drugs as a major problem.

Mr. President, you come from a relatively rural State, as do I, and, remember, teenage drug abuse is supposed to be a problem of the big inner-city schools. But the school I was talking to was a school of 250 in rural Idaho. Yet, nearly every hand went up because every one of those students knew someone in their age group who was misusing or was involved in illegal drugs, and they were concerned about that young person's future. They were concerned about the effect it would have on their friends' lives. Well, someone might say that these are kids, what do they know? We are the adults; we are the United States Senators, and we are supposed to have a more mature view of the problems that face the citizens of our country. Yes, I would hope that we as adults would be able to make mature and considered judgments on these questions. But in sensing that drugs present a bigger threat to them now than does tobacco, I think these kids are right. Yes, we should do everything reasonable that we can possibly do to discourage young people from taking up smoking.

I was once a smoker myself, and I know that it is not easy to quit. I fought it hard and I fought it for a long time. And I haven't smoked in 8 years. I am proud of that and so is my family. But if these kids do start smoking, the real danger they will face will be 10 and 20 and 25 years out, before which let us hope they mature, that they have a reason to think about their life and their health, and they quit like I did, and they become parents who discourage their children from smoking.

Smoking may kill teens later in life, but illegal drugs are killing them today. Whether we are talking about overdoses, car accidents, or the violence associated with the drug trade, illegal drugs present a clear and immediate danger to every young person who tries them, to their families, and to their communities. Talk to the parents of a child they have just lost to an overdose of drugs, and they didn't realize until it was too late that their child was on drugs. No family, no socioeconomic family in every strata, or at any level, is immune. Not one kid will likely die this year because he or she lit their first cigarette. But thousands of Americans will die because they started using drugs this year. Kids who started using drugs today may not get a chance to mature out of that habit, as I did and as thousands do.

I expect there are very few parents who would not care whether their kids decided to start smoking. Most of them care a great deal. However, if they were asked whether they would be more concerned about their teens starting to smoke or becoming a user of marijuana, crack, or heroin, how many parents would say they would take the dope over tobacco? Well, we know what they say. We have seen it in the polling. Let me tell you, Mr. President, the polling is dramatic. The polling is very clear. The parents of today in the highest of percentages say, Get the drugs away from our kids. It is the No. 2 issue. And way down at the bottom of all of those issues that parents are concerned about, as it relates to their kids, is smoking. Yet for the last 2 weeks, this Senate has been focused on that issue. Why? Because it is politically popular. We are going to bash those big tobacco companies because they lied to the American people, and we are going to save teenagers from smoking, and we are going to raise taxes to an all-time high to do it. We are going to spend hundreds of billions of dollars. Yet, No. 1, No. 2, and No. 3, in any poll you take, on the average parent's mind today is the kids associated with drugs, the kids associated with gangs, the kids being killed in car accidents; and way down at the bottom, but on the list of 10 or 12 items, is smoking.

That is one reason I question the administration's priorities tonight. In the abstract, I suppose that if drug use continued at the steady decline of the ''just say no'' Reagan and Bush era, if we could honestly say we had the drug dealers on the run, we might start to ask, Well, what is the next thing on the list of national priorities that this Congress ought to become involved in? But that is not what we see. The drug policy of the Clinton administration has been by every measure except theirs a miserable failure. From an early slashing of the funding for the White House antidrug office, to the administration's effort to have it both ways on clean needles for addicts, to their effort to lower penalties for crack cocaine to equal those of powder, to the President's grossly irresponsible ''I wish I had inhaled'' comment on MTV, this administration has sent all the wrong signals. And guess what? Those signals have been picked up by the young people of this country, and the predictable results have occurred.

Two national annual surveys show that drug abuse by our Nation's youth has increased steadily since the Clinton administration came into office.

The University of Michigan December 1997 Monitoring the Future Study, and the 1997 Parents Resource Institute for Drug Education, and the so-called PRIDE Survey each offer cause for alarm.

The Monitoring the Future Study reveals that illicit drug use among America's schoolchildren has constantly increased throughout the Clinton administration.

Mr. President, here comes the figures of alarming proportion.

For eighth graders the portion using any illegal drug in the prior 12 months has increased 71 percent since the year President Clinton was first elected. And since 1992, it has increased 89 percent amongst 10th graders, and 57 percent amongst 12th graders. That is any illicit drug. The numbers go straight through the roof since President Clinton came to office. Reagan, Bush—numbers declining. Everybody laughed at Nancy Reagan when she said ''Just say no.'' But she stood on a moral pedestal along with George Bush and Ronald Reagan, and they stood as powerful leaders and examples. We have a President who chuckled, and said, ''Well, I wish I had inhaled.'' Sorry, Mr. President. You sent all the wrong signals.

Marijuana use accounted for much of the overall increase in illicit drug use continuing its strong resurgence amongst eighth graders. Use in the prior 12 months has increased 146 percent since 1992.

The year President Clinton was first elected to office, amongst 10th graders, the annual prevalence has increased 129 percent amongst 12th graders it has increased 76 percent since 1992.

Those ought to be figures that are spread in banner headlines in every major newspaper in this country. And they go unnoticed except in our schools, except with school administrators and counselors, and most importantly with parents, who say it is the No. 1 issue facing their children and them as parents.

Of particular concern, according to the survey, is the continuing rise in daily marijuana use amongst 10th and 12th graders. More than one in every 25 of today's high school seniors is a current daily marijuana user, with an 18.4-

percent increase since only last year, while only 1.1 percent of eighth graders used marijuana daily in 1997. That still represents a 50-percent increase since 1992.

Since President Clinton was first elected, annual LSD use has increased over 52 percent, 68 percent, and 50 percent amongst 8th graders and 10th graders and 12th graders, respectively. More than one in 20 seniors in the class of 1997 used cocaine this year, a 12.2-percent increase over just last year. That is cocaine. That is the drug that kills. Crack cocaine also continued a gradual upward climb amongst 10th and 12th graders. In short, since 1992, annual cocaine use is up 87 percent, 147 percent, and 77 percent amongst 8th, 10th and 12th graders, respectively.

The longer term gradual rise in the use of amphetamine stimulants also continued within the class of 1997, increasing over 7 percent since last year. Since 1992, annual heroin usage—heroin is on the resurgence—has increased by 83 percent, 141 percent, and 92 percent for 8th, 10th, and 12th graders.

America, these are our kids, and they are using heroin. This administration doesn't talk about it.

The most recent PRIDE Survey shows a continuing and alarming increase in drug abuse amongst young kids. Illegal drug use amongst 11- and 14-year-olds has continued on a dangerous upward spiral.

According to the president of PRIDE, senior high drug use may have stalled, but it is stalled at the highest levels that PRIDE has measured in 10 years.

Mr. COVERDELL. Mr. President, I wonder if the Senator will yield for 30 seconds to a minute so that I might clarify the issue that arose about obviating.

Mr. CRAIG. I would be happy to yield, but I would not lose any floor right.

The PRESIDING OFFICER (Mr. SESSIONS). Without objection, it is so ordered.

MODIFICATION TO AMENDMENT NO. 2451

Mr. COVERDELL. Mr. President, I ask unanimous consent to modify my amendment numbered 2451.

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

Mr. COVERDELL. I send the modification to the desk.

The PRESIDING OFFICER. The amendment is so modified.

The modification is as follows:

At the end of the Durbin amendment, insert the following:

TITLE —DRUG-FREE NEIGHBORHOODS

SEC. 01. SHORT TITLE.

This title may be cited as the ''Drug-Free Neighborhoods Act''.

Mr. COVERDELL. Mr. President, I yield the floor back to the Senator from Idaho.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I thank my colleague for that modification. It does clarify an important point.

Mr. President, according to PRIDE—those are the folks out there on the front line trying to stop kids from using drugs—senior high school use may have stalled, but it has stalled at the highest level PRIDE has measured in 10 years.

Until we see sharp declines in the use at all grade levels there will be no reason to rejoice.

With respect to young students, the survey found a full 11 percent of junior high students—that is grades 6 through 8—are monthly users of illegal drugs. Junior high students reported significant increases in monthly use of marijuana, cocaine, uppers, downers, hallucinogens, and heroin especially.

Can you imagine that, Mr. President? We are talking about junior high kids. Heroin, drug of choice?

Annual marijuana use has increased 153 percent since Mr. Clinton first took office. Cocaine use is up 88 percent.

Why aren't we spending weeks on the floor of the Senate debating this, because it is the No. 1 issue amongst parents. The kids know it. They know their friends are being killed by it. They are laughing at the fact that they think we are going to legislate them away from tobacco.

Hallucinogen use has increased 67 percent since Mr. Clinton took office.

Now, in the face of this clear and present danger to our Nation's youth, how can this administration justify their obsession with tobacco? That is because there are 100 groups lined up to help them. It is a popular political issue. I agree with them on the premise. But I think they missed the point. They missed the point that the young people of America are talking about. They might answer. ''Well, teen rates of smoking are also going up.'' That is true. But if we look at the facts on teen tobacco use, also found in the Monitoring of the Future Report that I have been quoting, we see the same pattern as on drug use—a steady decline in the Reagan-Bush years with a steady climb since 1992. In other words, what our President says to America and America's youth counts. When he makes light of his flirtation with marijuana, they make light of it, too. That is a great tragedy.

Let us ask the question: Instead of hiking increases in teen smoking to justify massive, intrusive, expensive legislation that will mostly target adult smokers, shouldn't the administration admit that teen smoking increase is yet another symptom of their failed drug policy? Shouldn't they admit that having given kids a wink and a nod on drugs, other bad habits would also appear more acceptable? Anybody who has raised teenagers knows that.

Let's take a concrete example. Recently, an article appeared in the New York Times. ''Young Blacks Link Tobacco Use to Marijuana.'' Strange relationship. I am quoting the New York Times relating to a dramatic increase in tobacco use amongst minority teenagers. According to this article, experts believe that part of the explanation for increased tobacco use amongst these teens is because they are already using marijuana. And that tobacco prolongs the effect of marijuana smoking. If so—and I recognize that there are certain complex factors here—this is a case where tobacco use may be directly linked to our failing drug policy.

Mr. President, I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Apr. 22, 1998]

YOUNG BLACKS LINK TOBACCO USE TO MARIJUANA

(By Jane Gross)

YONKERS, April 21.—In the search to explain the spike in smoking among black teen-agers, a range of theories has evolved, from the proliferation of tobacco advertising in minority communities to the stress of adolescence to the identification with entertainment idols who appear with cigarettes dangling from their lips.

Teen-agers themselves, and some experts who have studied adolescent smoking, add another, less predictable explanation to the mix of factors: the decision to take up smoking because of a belief that cigarettes prolong the heady rush of marijuana.

''It makes the high go higher,'' said Marquette, a 16-year-old student at Saunders Trades and Technical High School here who, like other students, spoke about her marijuana use on the condition that only her first name be used.

At Washington Preparatory High School in South-Central Los Angeles, Tifanni, also 16, said she took up cigarettes two months ago because, ''If the marijuana goes down and you get a cigarette, it will go up again.''

Black teen-agers like Marquette and Tifanni are not unusual, according to interviews with dozens of adolescents around the country and various national surveys. These surveys show that blacks begin smoking cigarettes later than white teen-agers, but start using marijuana earlier, a difference experts say they cannot explain.

The surveys also show a sharp rise in both cigarette and marijuana use among teen-agers in recent years, evident among all races but most pronounced among blacks. White teen-agers still smoke cigarettes at twice the rate of blacks, but the gap is narrowing, signaling the end of low smoking rates among black youths that had been considered a public health success story.

It is not clear how much of the increase in smoking among black teen-agers is due to the use of cigarettes with marijuana, and experts say advertising has been the main factor. But the marijuana-tobacco combination is notable because it is the reverse of the more common progression from cigarette and alcohol use to illegal drugs.

Many black teen-agers said in interviews that they were drawn to cigarettes by friends who told them that nicotine would enhance their high from marijuana, which has been lore and practice among drug users of all races for decades. And this is apparently no mere myth. Many scientists who study brain chemistry say the link between cigarettes and marijuana is unproven but likely true.

''African-American youth talk very explicitly about using smoking to maintain a high,'' said Robin Mermelstein, a professor at the University of Illinois at Chicago and the principal investigator in an ongoing study of why teen-agers smoke for the Federal Centers for Disease Control and Prevention. ''It's a commonly stated motivator.''

Dr. Mermelstein said that in focus groups with 1,200 teen-agers around the country, about half the blacks mentioned taking up cigarettes to enhance a marijuana high, but no white teen-agers volunteered that as an explanation for smoking. ''Cigarettes have a totally different functional value for black and white kids,'' she said.

Even so, Dr. Mermelstein and others say that does not diminish the greater impact of advertising and other media messages in minority neighborhoods. ''Kids are extraordinarily aware of the entertainment media,'' Dr. Mermelstein said. ''They are very reluctant to see the link between any of these and their behavior. But the influence is undoubtedly there.''

Tiffany Faulkner, a 15-year-old at Ida B. Wells High School in Jamaica, Queens, said, ''Tupac smoked and he's my man,'' referring to the slain rap star Tupac Shakur. ''But I didn't smoke because of him,'' she said. ''I have my own head.''

Brand loyalty, however, suggests youths are more moved by the advertising than they realize, or are willing to admit. In general, Marlboro and Camel have white characters on billboards and are the brands of choice among white teen-agers, while Kool and Newport use minority images and are favored by African-American teen-agers, as they are by their parents. Outside Brighton High School in Boston, for instance, every black student in a group of smokers chose Newports. ''They're the cool cigarette,'' said Joey Simone, 18, a smoker since she was 11.

A 16-year-old Chicago girl who tried cigarettes briefly said she is certain advertising is the key. ''When I was little I would see pictures of people standing around with a cigarette and it looked like fun,'' said Coleco Davis at DuSable High School. ''They were all having a good time and it didn't look like it could hurt you.''

This wave of new black smokers, drawn to a habit that kills more people each year than all illegal drugs combined, has researchers worried, because once teen-agers have experienced the booster rocket effect of cigarettes prolonging a marijuana high they often find themselves addicted to tobacco.

''Because I was getting high, I needed it,'' said Mary, 16, a student at Norman Thomas High School in Manhattan. ''The cigarettes made me more high. Now it's become a habit. I feel bad because there's nothing I can do to stop.''

The crescendo of concern about teen-age smoking is behind pending Federal legislation that would raise the price of cigarettes, control advertising to young people and penalize manufacturers if there is not a gradual reduction in adolescent smoking. That legislation took center stage in Washington just as a new study earlier this month showed a steep rise in the smoking rate among black youths.

The nationwide Federal study showed overall smoking rates had increased by one third among high school students between 1991 and 1997. Most alarming to experts was the sharp rise among black youths: 22.7 percent in 1997, up from 12.6 percent six years earlier.

Charyn Sutton, whose Philadelphia marketing company conducts focus groups for Federal research agencies, said she first heard about the current progression from marijuana to cigarettes—what she calls the ''reverse gateway effect''—during focus groups in 1995 involving black middle school students. Ms. Sutton already knew about blunts, cigars hollowed of tobacco and filled with marijuana. But now the teen-agers told her that a practice familiar to the drug cognoscenti as early as the 1960's and 1970's was popular in the schoolyard of the late 1990's—enhancing the high of a joint with a cigarette.

She tested what the teen-agers told her by talking to addicts in recovery, who concurred. And to be sure that the pattern she was seeing in Philadelphia was not a local anomaly, she interviewed young African-Americans across the nation. And, she said, she discovered that they were doing the same thing.

The enhancing effect that teen-agers describe is consistent with what is already known about the working of nicotine and THC, the active ingredient in marijuana. Both spur production of dopamine, a brain chemical that produces pleasurable sensations, said George Koob, a professor of neuropharmacology at the Scripps Research Institute in La Jolla, Calif. ''It makes a lot of sense,'' Dr. Koob said.

At the National Institute on Drug Abuse, which funds most of the world's research on addiction, Alan I. Lesher, the director, went a step further, saying the anecdotal findings cried out for rigorous investigation. ''This is a reasonable scientific question,'' he said. ''And if enough people report experiencing it, it merits consideration.''

Researchers elsewhere have also taken note of strange glitches in substance abuse data comparing blacks and whites. For instance, Denise Kandel, a professor of public health and psychology at Columbia University's College of Physicians and Surgeons, found that while most substance abusers progressed logically from legal to illegal substances, ''the pattern of progression is less regular among blacks and nobody really knows why.''

In 1991, according to the Centers for Disease Control and Prevention, 14.7 percent of students said they had used marijuana in the last 30 days; by 1995, the latest year for which data is available, that rate had jumped to 25.3 percent. Among white youths, the rate increased to 24.6 percent from 15.2. Among Hispanics, it shot up to 27.8 from 14.4 and among blacks to 28.8 from 13.5, vaulting them from last place to first in marijuana use by racial group.

The C.D.C. cigarette study, which tracks use through 1997, shows a parallel pattern. Among white students, 39.7 percent said they smoked cigarettes, up from 30.9 percent six years ago. Among Hispanic students, more than one third now say they smoke, up from roughly a quarter. Among black youths, 22.7 percent list themselves as smokers, compared with the 12.6 who said they smoked in 1991. Worst of all were the smoking rates for black males, which doubled in the course of the study, to 28.2 from 14.1.

The progression from marijuana to cigarettes among black youths was the most provocative finding in interviews in recent days with high school students in New York City, its suburbs, Los Angeles, Chicago and Boston, who consistently raised the issue without being asked. But their comments raised several other troubling issues, as well.

The students were perfectly aware of the health hazards of cigarette smoking. A 17-year-old at Norman Thomas High School in Manhattan said she was quitting because she might be pregnant. A 15-year-old at Saunders said she did not smoke during basketball and softball season but resumed in between.

But most paid no mind to the danger.

And despite laws prohibiting sales to anyone under 18, virtually all the teen-agers said they purchased cigarettes with no trouble at delis and bodegas.

The Federal legislation to curb teen-age smoking depends in large measure on steep price increases as a deterrent. Sponsors of the bill say that raising the price by $1.10 per pack would reduce youth smoking by as much as 40 percent. But talking to high school students suggests this prediction is optimistic.

The adolescents said overwhelmingly that they would pay $3.60 a pack—the current $2.50 charged in New York plus the additional $1.10 envisioned in the legislation. A few said that $5 a pack might inspire them to quit, or at least to try.

But faced with that high a tariff, 17-year-old Robert Reid, a student in Yonkers, had another idea. ''At that price,'' he said, ''you might as well buy weed.''

Mr. CRAIG. I thank the Chair.

Let me read two paragraphs from the article:

> It is not clear how much of the increase in smoking amongst black teen-agers is due to the use of cigarettes with marijuana, and experts say advertising has been the major factor. But the marijuana-tobacco combination is notable because it is the reverse of the more common progression from cigarette and alcohol use to illegal drugs.
>
> Many black teen-agers said in interviews that they were drawn to cigarettes by friends who told them that nicotine would enhance their high from marijuana, which has been lore and practice among drug users of all races for decades. And this is apparently no mere myth. Many scientists who study brain chemistry say the link between cigarettes and marijuana is unproven but likely true.

One other paragraph:

> The students were perfectly aware of the health hazards of cigarette smoking. A 17-year-old at Norman THOMAS High School in Manhattan said she was quitting because she might be pregnant.

But that is the only reason she was quitting.

> A 15-year-old at Saunders [High School] said she did not smoke during basketball and softball season but resumed in between.

The article also talks about the effects of the kind of antitobacco measures that are being discussed on the floor including pushing the price of cigarettes to $3.50 to $4 to $5 a pack. Adolescents overwhelmingly said they would pay $3.60 a pack. The current charge in New York is $2.50. An additional $1.10 would move that to $3.60, and the teenagers did not see that as a problem. Now we are talking about the legislation that is being debated on the floor right now. According to the article:

> A few said that $5 a pack might inspire them to quit, or at least to try.
>
> But faced with that high a tariff, 17-year-old . . . a student in Yonkers, had another idea. ''At that price,'' he said, ''you might as well buy weed.''

In other words, he was saying you might as well smoke marijuana because they are going to end up being about the same price. I don't think anybody on the floor of this Senate has thought about that. But the kids are thinking about it. Let us think about those words, Mr. President: ''At that price, you might as well smoke weed.''

It is always easy for the partisans of big government to come up with big spending, big bureaucracy plans, that whether or not it actually impacts the intended target, in this case teenage smoking, it is sure to have all sorts of unintended but predictable side effects. For example, how big of a tax increase are we looking at? Well, we don't know for sure. Why shouldn't we be looking

at this as a big regressive tax, and I think I can say, in all fairness, the biggest regressive tax in American history? How effective will it be in actually curbing teenage smoking or, for that matter, adult smoking? How much more attractive will it make others? By that, I am talking about illegal drugs such as marijuana, especially to young people.

Well, that teenager from Yonkers said it: If you are going to raise tobacco to that price, you just might as well smoke weed. Have we learned anything at all from the black market of other nations? That has been discussed by some of my colleagues on the floor in the last several weeks, and they have used it as an example and it bears repeating because it shows a reaction to the marketplace.

In Canada, by 1992, a pack of cigarettes cost about $4.50 in U.S. dollars, probably about $6.75 in Canadian dollars, while the price in the United States was $2. The result: the loss of billions of dollars in tax revenue and up to 40 percent of the Canadian market supplied by smuggling, black market, illegal, under the table, vended in the alley, out of the backs of cars, vended by the black market of drug dealing. Canada rolled back its tobacco taxes in 1994, and Sweden recently dropped its tobacco tax over 25 percent. Do we really want to repeat their mistakes? We are about to start. When cigarettes in Mexico cost about $1 a pack, where do you think the border will be? Or, more importantly, how can we protect the border? The movement will be significant.

Does anyone think this would not be a tremendous windfall for organized crime or for cross-border drug trade in Mexico, which is already at epidemic proportions? How many funding streams is that? Well, taxes, we know that. And if those funding streams that we are asking for to fund all of this dry up, then how do we pay for the programs? Because they will surely dry up. Other nations have found that to be the case. And they have had to back off, to up their moneys, to up their cash flow again to fund the programs that they were going to feed off of the taxes they raised from tobacco.

As a Republican, I think this big government approach is just the wrong way to go, especially when we have no real assurance that these programs will do any good.

We need to take a hard look at drug use. And, yes, the teen tobacco use situation in this country that we find is critical. We need to look at it in a practical and a principled way. The bottom line should be this: If the Clinton administration won't lead on drugs—and at this point I would say their credibility on drugs has been fatally compromised—then it is the Congress that should lead. We should lead. That is our job—to create public policy that makes sense for the American people. That is why my colleague, PAUL COVERDELL of Georgia, and I are offering this amendment which would ensure that the drug crisis is not ignored as we attempt to address the tobacco problem.

This amendment collects a number of initiatives that would make a serious impact on illegal drugs. It takes a three-pronged approach: attacking the supply of drugs by strengthening our ability to stop them at the border, providing additional resources to fight drugs that reach our neighborhoods, and by creating disincentives for teens to use illegal drugs.

Let me talk about some of those provisions that are embodied in our amendment. Let me first talk about the one on supply, the supply side of the drug problem, because we all know it is a supply-demand equation. We cannot rely just on treatment programs for those who have already started to abuse drugs. And you know there is a bit of that attitude—well, yeah, if they get hooked on them, we will treat them. The problem is sometimes they get hooked on them, and they get killed or they die before they can get to treatment. We must stop drugs from getting to our kids in the first place, or make every effort to try to stop it.

One key step in fighting the drug supply is increased resources for the interdiction of those drugs; in other words, law enforcement. Fund them, put them on alert, make it a No. 1 priority. This is the area where the administration has been most irresponsible. Slashing the Coast Guard's antidrug budget, with the result—and you know what the result was—a major disruption in the rate of decline. The number of seizures for drug shipments turned back before they reached the United States—listen to these figures; it happened on the President's watch after he slashed the interdiction money—declined by 53 percent. We are talking interdiction, at the border or out in the water; a 53-percent decline in interdiction from 1992 to 1995.

So, what does our amendment do? We give the Coast Guard, the Defense Department, the U.S. Customs Service, the resources they need to target that interdiction before drugs reach the American streets. Our amendment does exactly that, and that is our intent. Our amendment also includes the Drug-Free Borders Act, which attacks the 70 percent of illegal drugs that enter our country across the Mexican border. Mr. President, 70 percent of the problem is right there on that very identifiable border. These provisions would increase the penalties for crimes of violence and other crimes committed at our borders and enable the INS to hire thousands—yes, thousands—of new Border Patrol agents.

But our amendment does not just stop at the border; it also strengthens the hand of law enforcement in fighting drug dealers at home and abroad. For example, our amendment increases the resources available to DEA and the FBI. We also think parents deserve to know if convicted drug dealers have moved into their neighborhoods. Our amendment requires released Federal convicts, convicted of major drug crimes, to register with local law enforcement personnel, who can then put their communities on notice. Why not? Those are the folks who have been killing our kids by selling drugs. Why not let the communities know if they are back in those communities? These are only some of the provisions in our amendment that attack the supply of drugs.

We also focus on the demand side of the problem by supporting local efforts to protect our neighborhoods, businesses, and schools from drugs and provide incentives for young people to stay straight. Our amendment includes a provision addressing needle exchange programs. At a time when drug use, particularly heroin use, is increasing, this program clearly undermines our effort to fight illegal drugs. What program? The current program. The Clinton program. The green light to subsidizing needle exchange programs. That is the green light for drug use. The House has already passed legislation to stop this, H.R. 3717, by a strong 287 to 140 vote. The Senate should do the same. Our amendment includes just exactly this. I hope the Senate can support it.

Another section of our amendment is the Drug-Free Student Loan Act. It restricts loan eligibility for students who use drugs. This would target substance abuse without creating Federal mandates or authorizing new spending. It puts the kids on notice: ''We ain't going to tolerate it anymore. Be straight, you will get your education. You can have a loan for it. But, use drugs and you are falling out of favor with the public.''

The Drug-Free Teen Driving Act in our amendment would encourage States to be at least as tough on driving privileges for those who use drugs and drive as those who are drunk drivers. Stop and think about the inconsistency today. You get caught a drunk driver, you get your license pulled. Drug abuse? No. No. We are not addressing that. This amendment does. Same treatment.

Our amendment includes the Drug-Free Workplace Act. This section provides incentives for employers to implement antidrug programs in the workplace, such as clear antidrug policies, drug testing, and employees' assistance programs. We also assist schools in the fight against drugs by allowing them to use Federal funds for drug testing programs and victims' assistance. Our amendment also provides incentives for States to create an annual report card to parents and teachers, listing incidents of school violence and drug activities.

Another critically important part of our amendment would back up communities in their fight against drugs. We would authorize matching grants funds

to support communities' efforts to establish comprehensive, sustainable, and accountable antidrug coalitions.

Senator COVERDELL and I recognize you cannot do all of this from the top down, that you have to work with the grassroots and help it grow from the bottom up. These and other provisions in our amendment are commonsense measures to protect our young people from the growing menace of drugs. They would counter the wrongheaded policies of this administration and start sending the right signals to America's youth.

This amendment does not set up new bureaucracies nor impose new mandates. It supports law enforcement's attack on the suppliers of drugs. It also supports local efforts to control drugs in neighborhoods, schools, and businesses. Nothing can be more important than supporting these local efforts, because they are the front line in the war on drugs. And right now, with the efforts in communities to be drug free, they are the only line, the only real line that is working. We do not need the hammer of the Federal Government to force communities to take action. As I have mentioned, they are already at it. All they need is a few resources and our help.

Let me give an example of something that is happening in my State that I am so proud of. It is called the Enough Is Enough campaign. It is a community-based drug prevention campaign driven by the private sector. No government dollars or controls are involved. Why? The problem became so bad in the Clinton years, the communities had to take it on. They said, ''If we cannot get help from the Federal Government, we will do it ourselves,'' because they saw the numbers going up and they saw the deaths occurring.

Most people in Idaho agree that this program is the most effective antidrug, drug awareness campaign they have ever seen. It builds on the systems within every community that influence and involve specific groups of individuals. It recognizes that each system has a special, specific role to play in the prevention that is necessary and that it involves all of the community. It unites these systems. It includes the media and the public and private sectors behind a common goal—to equip our children to walk drug free through a drug-filled world. It focuses on community teamwork to fight the drug culture and regain the quality of life for our children. Enough Is Enough is the largest community-wide drug prevention effort in Idaho's history. Antidrug advocate Milton Creagh has delivered his challenge to communities all over the State. More than 100,000 people have already participated in the program, and additional community coalitions are being formed every day.

This program is proof that the Federal Government does not have all the answers. In fact, the Federal Government can do a lot of harm by forcing wrong programs and wrong incentives on local communities and citizens. Instead, we should provide encouragement, support local antidrug initiatives, and that is the philosophy behind our amendment: Get our law enforcement involved, stop the stuff at the border.

In offering the amendment to the antitobacco bill, I have been arguing that the danger posed by illegal drugs is greater and more immediate and more deadly than any immediate problem that tobacco poses on teenage America.

It is my strong belief that the bill before us tonight must not ignore the drug crisis that threatens our youth, America's future.

Having said all that, however, I do not mean to suggest that we should ignore teenage smoking. Let me repeat that for the Record, because I am quite sure there are some who will say, ''Well, COVERDELL and CRAIG are trying to switch the focus.'' No; we are trying to refocus. We are trying to do fine focus. We are trying to get this Government pointed in the right direction. In fact, as I have already pointed out, there is a connection between youth smoking and drug use.

There are a number of commonsense antismoking measures we should seriously consider, but I would like to draw my colleagues' attention to the one thing in particular we know to be effective in combating not just teenage smoking, but drug use, violence, suicide, sexual behavior, and emotional disturbances.

In an area that is fairly underrated and where the Clinton administration definitely has been a part of the problem, the one thing is parental involvement in their children's lives. A recent Washington Post article entitled ''Love Conquers What Ails Teens, Studies Find'' summarized the results of a Federal study known as the National Longitudinal Study of Adolescent Health based on a survey of 90,000 students grade 7 through 12 and published in the Journal of the American Medical Association:

> Teenagers who have a strong emotional attachment to their parents and teachers are much less likely to use drugs and alcohol, attempt suicide, engage in violence, become sexually active at an early age.

That is what the Post reported.

Though less important than the emotional connection, the presence of parents at home at key times in the morning, after school, at dinner, at bedtime make teenagers less likely to use alcohol, tobacco and marijuana.

Mr. President, the Federal Government cannot mandate family cohesion, but I cannot think of a better argument for passing S. 4, the Family Friendly Workplace Act. That would encourage a host of comptime-flextime options for America's parents. Why am I talking about this when we are trying to stop teenagers from smoking, when we have an amendment on the floor about teenage drug abuse that we are trying to curb? Because it ought to be a part of the package. We ought to understand and not be so naive as to say that it is the total environment in which the child lives.

I mention it only tonight for our Senate to understand that we cannot do it; we are blocked on the floor; it is not the right thing politically; somehow the unions oppose it. Why don't we wake up? Why don't we understand that Government can, in fact, by its inaction, be an impediment?

Those are the conclusions I have drawn, and that is why I am a cosponsor with Senator COVERDELL of this, what I believe to be the most important part of this total legislation.

Mr. President, in the coming days, the Senate will be faced with a stark choice: We can be panicked down the road of least resistance to passing a big Government antitobacco bill that won't do the job but will become a permanent tax and regulatory nightmare, or we can pass some commonsense legislation that will help States, localities, communities, and, most of all, parents take charge of their children's future. We can mount a strong antismoking campaign, and we can assist States to do so.

Really, when it comes to controlling our borders, when it comes to stopping the massive new flow of drugs into this country, stimulated by an administration that just doesn't want to face the issue, then it is time the Congress speak, and we can speak clearly and decisively if we vote, pass, and add as a major component to this tobacco legislation the Coverdell-Craig teenage antidrug amendment.

It sets us in the right direction. It is a quantum step toward dealing with teenage drug use that, by everyone's measurement, is moving at an astronomical rate, taking lives in unbelievable numbers. We hear the statistic, 3,000 kids start smoking every day, and that is true, but thousands try drugs and get hooked and thousands die within a very short time.

Thank goodness that in your adult years, if you are a smoker, sometimes common sense hits you like it hit me, that it was the wrong thing to do, that it wasn't healthy, that it was socially unacceptable, and that it was not going to cause me to be a good influence over my children, and I quit. But I doubt seriously that in my youth, if I had been hooked on drugs, I might not have had the opportunity to quit.

I hope this Congress awakens to the real issue, and I think my colleague from Georgia and I are bringing the real issue to the floor of the U.S. Senate. We will debate it tomorrow, and we will debate it Monday. I hope that we have a resounding vote in favor of the Coverdell-Craig amendment, that it become a part of this total package, and that we deal with it in a fair and responsible way, then find and bring about the funding necessary to ensure that we can put our Coast Guard back to interdiction, that we can stop the flow at the borders, that we can go

after the pusher on the street, and that we can show our young people that starting or experimenting with drugs is not only unacceptable as a part of the American culture, but that we will insist they quit for their safety and for their future.

Mr. President, I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. COLLINS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

MORNING BUSINESS

Ms. COLLINS. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business with Senators permitted to speak for up to 10 minutes each.

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

IN MEMORY OF BARRY GOLDWATER

Mr. KYL. Mr. President, I ask unanimous consent that the eulogy I delivered at the funeral for the former U.S. Senator from Arizona, Barry Goldwater, in Tempe, Arizona on June 3, 1998, be printed in the RECORD.

There being no objection, the eulogy was ordered to be printed in the RECORD, as follows:

IN MEMORY OF BARRY GOLDWATER

(Remarks of Jon Kyl, Tempe, Arizona, As Delivered June 3, 1998)

We honor Barry Goldwater today by reflecting on why he has made such a mark on our state, our nation, and the world.

All of us probably remember the first time we met Barry. In my case, it was in May 1961 when I was a student at the University of Arizona. After working with him in the political arena for most of the ensuing years, and after visiting with him often during his retirement, I think I know why he has had the influence he has had. I have come to believe it is because of his very unique perspective—about nature, including human nature.

It is why he could do without all of the political folderol that preoccupies so many in public life. It is why he could shrug off his defeat in the presidential election of 1964—not because he didn't care, but because he knew, in the end, the most important thing was to tell the truth as he saw it, and to build a foundation for the future.

It is why he cared about and understood people so well, and could shape a political philosophy which works precisely because it is predicated upon the true nature of man.

That sense of perspective, of what truly mattered, was rooted in his early experiences traveling this state, rafting down the Grand Canyon, photographing Arizona's landscapes and getting to know a lot of common people. He was very much a part of the land, the desert, the mountains, and the people and places of Arizona.

One reason I think he liked common people is because, like Abraham Lincoln, he saw himself as a common man. My dad is the same way. They understood early on, that every person has a unique and individual worth, and that that is why freedom is indispensable to assure man's proper place in nature.

As a young man, Barry Goldwater helped run his family's trading post on the Navajo reservation. He knew the Hopi and the Navajo people and appreciated their way of life. He captured on film the character and dignity of Native Americans and other people. He saw their qualities as individuals, and learned from them and respected them.

Others wanted to remake human nature. Barry Goldwater appreciated it, as it is. In that respect, he grasped the truth of the Founding Fathers, that freedom is indispensable for the fulfillment of God's purposes for those He created in His image.

This homegrown insight is what led him to be so alarmed by the growth and power of government since the New Deal. ''A government that is big enough to give you all you want is big enough to take it all away,'' he said, reaffirming the belief in limited government upon which America was established, and upon which he and Ronald Reagan and others constructed a conservatism for our time.

It was necessary to have someone of his courage and plain speaking to persuade others of this nature-driven view of liberty and smaller government, at a time when it was not considered a very respectable view.

But, as Matthew Arnold said, ''The free-thinking of one age is the common sense of the next.'' There is no doubt that Barry Goldwater—as the pathbreaker for today's common-sense conservatism—is the most influential Arizonan in our lifetime, indeed, in the lifetime of Arizona as a state.

Summarizing his own life, in 1988 he wrote: ''Freedom has been the watchword of my political life. I rose from a dusty little frontier town and preached freedom across the land all my days. It is democracy's ultimate power and assures its eventual triumph over communism. I believe in faith, hope, and charity. But none of these is possible without freedom.''

It was a privilege to know someone who was as obvious in his virtues as he was in his opinions. When I visited with him in the last few years, he seemed reluctant to offer the specific political advice that I occasionally sought from him. He wanted instead to talk about the people he had known, about his early formative experiences in Arizona, and about history.

There are too few people who give you the feeling that they have the long view in mind. Barry Goldwater did. There are too few who show us what it is like for a man to guide his life by true principles. Barry Goldwater showed us. The Senator from Arizona was not only a great patriot, he was, as he wished to be remembered, an honest man who tried.

NICK MURNION OF GARFIELD COUNTY, MONTANA—PROFILE IN COURAGE

Mr. KENNEDY. Mr. President, on May 29, during the Memorial Day recess last week, the Kennedy Library Foundation held its annual ''Profile in Courage'' Award Ceremony at the Kennedy Library in Boston. The 1998 Profile in Courage Award was presented to Nickolas C. Murnion, the County Attorney of Garfield County, Montana, for his courageous leadership in the confrontation earlier in this decade with the militia group called the Freemen.

The Profile in Courage award takes its name from President Kennedy's Pulitzer Prize-winning book, ''Profiles in Courage,'' which my brother wrote in the 1950's, while he was still a Senator. The book told the stories of elected officials in American history who showed extraordinary political courage by doing what they thought was right, in spite of powerful resistance and opposition.

Nick Murnion clearly demonstrated that quality of political courage, and he did so at great physical risk to himself as well. His small rural community in Montana came under siege, beginning in 1993, from the Freemen, a belligerent anti-government militia that took root in the area. The members of the Freemen refused to abide by local laws or pay taxes. They harassed and threatened public officials, and threatened the life of Nick Murnion and anyone else who challenged them.

But Nick Murnion stood his ground, and armed with the rule of law and the strong support of other citizens in the community, he prevailed. Finally, in 1996, the FBI came to provide assistance, and after a dramatic 81-day siege, the militia members surrendered peacefully.

Today, as the nation struggles to deal with extremist groups, hate crimes, church bombings, schoolyard shootings, and other distressing acts of violence in our society, Nick Murnion's inspiring story reminds us of leadership at its best in our democracy.

In accepting the Profile in Courage Award, Nick Murnion delivered a truly eloquent address at the Kennedy Library in Boston, and I ask unanimous consent that his remarks be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

ADDRESS OF GARFIELD COUNTY ATTORNEY NICKOLAS S. MURNION, 1998 PROFILE IN COURAGE AWARD CEREMONY, MAY 29, 1998

Members of the President's family, Trustees of the John F. Kennedy Library Foundation, family and friends.

I was both shocked and delighted four weeks ago when Caroline Kennedy called me in a little town in Montana to give me the great news that I had been selected as this year's John F. Kennedy Profile in Courage recipient. I had a vague awareness of the award, but my first reaction was disbelief. I couldn't figure out how I could be selected for such a prestigious honor, when I had no idea I was even being considered. I will also admit that at the time, I was almost more in awe in talking with Caroline Kennedy than in getting the great news about the award.

My first recollection of any political race was in 1960, when at the age of 7 I asked to see pictures in the newspaper of who was running for President of the United States. My first impression was that there was no question I would have voted for John F. Kennedy. Later I remember a schoolteacher telling us to remember President Kennedy as having made some of the most eloquent speeches in our time. Looking back at those speeches now, I believe she was right. The Kennedy presidency was one that I remember very fondly for the ideals expressed and the vision of a future where everyone could

share in the American Dream. Politics was a noble profession to which a young person could aspire.

One of my biggest honors in being chosen to receive this award is to represent the Big Sky State of Montana. Apparently, John F. Kennedy also was fond of our state. When he addressed the Montana Democratic Convention in 1960, he quoted Thoreau: ''Eastward I only go by force. Westward I go free.'' Then he added, ''That is why I have come to Montana.''

President's Kennedy's last stop was in Great Falls on September 26, 1963, where he closed his final speech by saying: ''This sun in this sky which shines over Montana can be, I believe, the kind of inspiration to us all to recognize what a great single country we have—50 separate states, but one people living here in the United States, building this country and maintaining the watch around the globe. This is the opportunity before us as well as the responsibility.''

As I appear before you today in the great state of Massachusetts and in this historical city of Boston, I am proud to be part of these 50 great states. My experience the last five years in dealing with the Montana Freemen has instilled in me a great appreciation for our democratic form of government. Until you have to fight for your government you tend to take it for granted. In 1994 in a small county in Montana with only 1,500 residents and one sheriff and one deputy, our people had to make a decision to take a stand against 30 armed insurrectionists, even though it put their own lives and property at risk. Even with the knowledge of the risks, 80 people signed up to assist law enforcement in whatever was needed to be done to deal with a situation which was rapidly escalating into an armed confrontation. In accepting this award I wish to acknowledge the courage of those 80 people and of the rest of the community which overwhelmingly condemned this movement.

In ''Profiles in Courage'' I was struck by the stands taken by different people in history which left them alone to fight the battle. Everyone seemed to desert them at one time or another. I never felt completely alone in this struggle. I had the people of Garfield County for support. I had Attorney General Joe Mazurek assisting on behalf of the State of Montana. When times got real bad, I knew I could always call on Senator Max Baucus for help.

The story of Edmund G. Ross who cast the deciding vote in stopping the impeachment of President Andrew Johnson particularly touched me. Ross voted against the impeachment to save the Union against those who wanted to continue the struggles brought on by the Civil War. Years later the Kansas newspapers finally praised the actions of Ross. ''By the firmness and courage of Senator Ross, it was said, the country was saved from calamity greater than war, while it consigned him into a political martyrdom, the most cruel in our history. Ross was the victim of a wild flame of intolerance which swept everything before it. He did his duty knowing it meant his political death. It was a brave thing for Ross to do, but Ross did it. He acted for his conscience and with a lofty patriotism, regardless of what he knew must be the ruinous consequences to himself. He was right.''

There is a growing wave of intolerance in this country by those groups, which call themselves patriots, militias, constitutionalists, common law courts, posse commitatus, and freemen. Their numbers are estimated at between 5 and 20 million. They appear to be the disenfranchised Americans who believe the government has gotten so corrupt that the only solution is revolution. They were not taken very seriously until the Oklahoma City bombing. They have not gone away, although their movement has gone more underground. They will be back with the same hate-filled message filled with scapegoats and conspiracy theories for all their problems.

As a prosecutor, I am not sure I did anything in this situation that any other prosecutor in America would not have done. Everyday, all across this country, men and women in law enforcement put their lives on the line to enforce the law, so that the rest of us can live in peace. They are the true unsung heroes.

For many months before the FBI finally came to Garfield County, we tried to devise ways to serve our arrest warrants on fugitives residing in an armed camp. In those meetings, I learned the immense pressure felt by our leaders when they have to send men into harms way. The decision to make any attempt to serve our arrest warrants could result in the death of law enforcement personnel and of those people you previously considered to be your friend and neighbors. Most importantly, you learn that contrary to the television and the movie portrayals, sending armed men into an armed camp almost always results in something going wrong.

I also learned that those in law enforcement who are trained to take these actions are much like you and me. They are married with families, and their biggest desire is to go back to their families. I salute all of the fine men and women in the F.B.I. who came to our aid in Garfield County. I also want us to remember F.B.I. agent Kevin Cramer, who lost his life in an automobile accident on his way to the standoff area. He left behind a wife and two small children and we should not forget that we did have a fatality caused by the standoff.

I want to share this honor with the people of the great state of Montana who have over the past few years had to deal with different types of hate groups in different communities. In almost every case, the communities have come together to condemn the hate-motivated activities. In Billings, we had the wonderful example of a community showing support by placing menorahs in the windows of hundreds of homes after a Jewish family had a brick thrown through their window.

In other parts of Montana, we have had other Freemen-type activity which law enforcement has vigorously prosecuted. Lately, we had a fire set on one of our Hutterite colonies, which has led to condemnation by our Congressman and an intensive criminal investigation.

In Billings, Montana a campaign to deal with hate groups used the message ''Not in our Town.'' In Garfield County, the message our people sent was clear. ''Not in our County.'' In the State of Montana, I am proud to say we have sent a message ''Not in our State.'' I stand before you today in the great state of Massachusetts and say ''Not in this Country.''

Those groups who look with envious eyes at the vast open spaces of Montana with the idea of making it some type of refuge for white supremacists need to understand: We know about you and your hate-filled ideas. We will expose the truth about you and the truth will defeat you. To the rest of America, let Montana be an example of how hate can be conquered.

Finally I share this award with my wife and children who have had to endure the threats for the past 5 years. They have quietly stood by me and I thank them for that. I am deeply honored to accept this award and hope that I can live up to the ideals behind it each day of the rest of my life.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, June 3, 1998, the federal debt stood at $5,496,176,063,717.35 (Five trillion, four hundred ninety-six billion, one hundred seventy-six million, sixty-three thousand, seven hundred seventeen dollars and thirty-five cents).

One year ago, June 3, 1997, the federal debt stood at $5,357,051,000,000 (Five trillion, three hundred fifty-seven billion, fifty-one million).

Five years ago, June 3, 1993, the federal debt stood at $4,294,168,000,000 (Four trillion, two hundred ninety-four billion, one hundred sixty-eight million).

Ten years ago, June 3, 1988, the federal debt stood at $2,573,962,000,000 (Two trillion, five hundred seventy-three billion, nine hundred sixty-two million).

Fifteen years ago, June 3, 1983, the federal debt stood at $1,313,457,000,000 (One trillion, three hundred thirteen billion, four hundred fifty-seven million) which reflects a debt increase of more than $4 trillion—$4,182,719,063,717.35 (Four trillion, one hundred eighty-two billion, seven hundred nineteen million, sixty-three thousand, seven hundred seventeen dollars and thirty-five cents) during the past 15 years.

U.S. FOREIGN OIL CONSUMPTION FOR WEEK ENDING MAY 29TH

Mr. HELMS. Mr. President, the American Petroleum Institute reported for the week ending May 29, that the U.S. imported 8,549,000 barrels of oil each day, an increase of 175,000 barrels a day over the 8,374,000 imported during the same week a year ago.

Americans relied on foreign oil for 57.2 percent of their needs last week. There are no signs that the upward spiral will abate. Before the Persian Gulf War, the United States obtained approximately 45 percent of its oil supply from foreign countries. During the Arab oil embargo in the 1970s, foreign oil accounted for only 35 percent of America's oil supply.

Politicians had better give consideration to the economic calamity sure to occur in America if and when foreign producers shut off our supply—or double the already enormous cost of imported oil flowing into the U.S.—now 8,549,000 barrels a day.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT CONCERNING THE EXTENSION OF WAIVER AUTHORITY FOR BELARUS—MESSAGE FROM THE PRESIDENT—PM 134

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Finance:

To the Congress of the United States:

I hereby transmit the document referred to in subsection 402(d)(1) of the Trade Act of 1974, as amended (the ''Act''), with respect to the continuation of a waiver of application of subsections (a) and (b) of section 402 of the Act. This document constitutes my recommendation to continue in effect this waiver for a further 12-month period and includes my determination that continuation of the waiver currently in effect for the Republic of Belarus will substantially promote the objectives of section 402 of the Act, and my reasons for such determination. I will submit separate reports with respect to Vietnam and the People's Republic of China.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *June 3, 1998.*

REPORT CONCERNING THE EXTENSION OF WAIVER AUTHORITY FOR VIETNAM—MESSAGE FROM THE PRESIDENT—PM 135

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Finance:

To the Congress of the United States:

I hereby transmit the document referred to in subsection 402(d)(1) of the Trade Act of 1974 (the ''Act''), as amended, with respect to the continuation of a waiver of application of subsections (a) and (b) of section 402 of the Act to Vietnam. This document constitutes my recommendation to continue in effect this waiver for a further 12-month period and includes my determination that continuation of the waiver currently in effect for Vietnam will substantially promote the objectives of section 402 of the Act, and my reasons for such determination.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *June 3, 1998.*

REPORT CONCERNING THE EXTENSION OF WAIVER AUTHORITY FOR THE PEOPLE'S REPUBLIC OF CHINA—MESSAGE FROM THE PRESIDENT—PM 136

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Finance:

To the Congress of the United States:

I hereby transmit the document referred to in subsection 402(d)(1) of the Trade Act of 1974, as amended (the ''Act''), with respect to the continuation of a waiver of application of subsections (a) and (b) of section 402 of the Act to the People's Republic of China. This document constitutes my recommendation to continue in effect this waiver for a further 12-month period and includes my determination that continuation of the waiver currently in effect for the People's Republic of China will substantially promote the objectives of section 402 of the Act, and my reasons for such determinations.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *June 3, 1998.*

MESSAGES FROM THE HOUSE

At 10:49 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2798. An act to redesignate the building of the United States Postal Service located at 2419 West Monroe Street, in Chicago, Illinois, as the ''Nancy B. Jefferson Post Office Building.''

H.R. 2799. An act to redesignate the building of the United States Postal Service located at 324 South Laramie Street, in Chicago, Illinois, as the ''Reverend Milton R. Brunston Post Office Building.''

H.R. 3504. An act to amend the John F. Kennedy Center Act to authorize appropriations for the John F. Kennedy Center for the Performing Arts and to further define the criteria for capital repair and operation and maintenance.

H.R. 3630. An act to redesignate the facility of the United States Postal Service located at 9719 Candelaria Road NE., in Albuquerque, New Mexico, as the ''Steven Schiff Post Office.''

H.R. 3808. An act to designate the United States Post Office located at 47526 Clipper Drive in Plymouth, Michigan, as the ''Carl D. Pursell Post Office.''

H.R. 3978. An act to restore the provision agreed to the conferees to H.R. 2400, entitled the ''Transportation Equity Act for the 21st Century,'' but not included in the conference report to H.R. 2400, and for other purposes.

The message also announced that the House has passed the following bill, without amendment:

S. 1244. An act to amend title 11, United States Code, to protect certain charitable contributions, and for other purposes.

ENROLLED BILL SIGNED

At 7:11 p.m., a message from the House of Representatives, delivered by Mr. Hanrahan, one of its reading clerks, announced that the Speaker has signed the following enrolled bill;

H.R. 824. An act to redesignate the Federal building located at 717 Madison Place, N.W., in the District of Columbia, as the ''Howard T. Markey National Courts Building.''

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 2798. An act to redesignate the building of the United States Postal Service located at 2419 West Monroe Street, in Chicago, Illinois, as the ''Nancy B. Jefferson Post Office Building''; to the Committee on Government Affairs.

H.R. 2799. An act to redesignate the building of the United States Postal Service located at 324 South Laramie Street in Chicago, Illinois, as the ''Reverend Milton R. Brunson Post Office Building''; to the Committee on Governmental Affairs.

H.R. 3504. An act to amend the John F. Kennedy Center Act to authorize appropriations for the John F. Kennedy Center for the Performing Arts and to further define the criteria for capital repair and operation and maintenance; to the Committee on Environment and Public Works.

H.R. 3630. An act to redesignate the facility of the United States Postal Service located at 9719 Candelaria Road NE., in Albuquerque, New Mexico, as the ''Seven Schiff Post Office''; to the Committee on Governmental Affairs.

H.R. 3808. An act to designate the United States Post Office located at 47526 Clipper Drive in Plymouth, Michigan, as the ''Carl D. Pursell Post Office''; to the Committee on Governmental Affairs.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on June 4, 1998 he has presented to the President of the United States, the following enrolled bill:

S. 1605. An act to established a matching grant program to help State and local jurisdictions purchase armor vests for use by law enforcement departments.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–5196. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''1998 Amendment to Cotton Board Rules and Regulations Adjusting Supplemental Assessment on Imports'' (Docket CN–98–002) received on May 28, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5197. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Hazelnuts Grown in Oregon and Washington; Establishment of Interim and Final Free and Restricted Percentages for the 1997–98 Marketing Year'' (Docket FV98–982–1 FIR) received on May 28, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5198. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Melons Grown in South Texas; Decreased Assessment Rate'' (Docket FV98–979–1 FIR) received on May 28, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5199. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Grapes Grown in a Designated Area

of Southeastern California and Imported Table Grapes; Revision in Minimum Grade, Container, and Pack Requirements'' (Docket FV98–925–3 FIR) received on May 28, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5200. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Sweet Onions Grown in the Walla Walla Valley of Southeast Washington and Northeast Oregon; Increased Assessment Rate'' (Docket FV98–956–2 FR) received on May 28, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5201. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Commuted Traveltime Periods: Overtime Services Relating to Imports and Exports'' (Docket 98–051–1) received on May 28, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5202. A communication from the Administrator of the Grain Inspection, Packers and Stockyards Administration, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''General Regulations and Standards for Certain Agricultural Commodities'' (RIN0580–AA54) received on May 28, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5203. A communication from the Secretary of Agriculture, transmitting, a draft of proposed legislation entitled ''Department of Agriculture Fee Act''; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5204. A communication from the Secretary of Defense, transmitting, pursuant to law, the report of a certification regarding a multiyear contract for the Family of Medium Tactical Wheeled Vehicles program; to the Committee on Armed Services.

EC–5205. A communication from the Secretary of Defense, transmitting, pursuant to law, a report on the weapons storage security project and a certification regarding strategic offensive arms; to the Committee on Armed Services.

EC–5206. A communication from the Secretary of Defense, transmitting, pursuant to law, a report entitled ''Response to Recommendations Concerning Improvements to Department of Defense Joint Manpower Process''; to the Committee on Armed Services.

EC–5207. A communication from the Director of Defense Procurement, Office of the Under Secretary of Defense for Acquisition and Technology, transmitting, pursuant to law, the report of a rule entitled ''Defense Federal Acquisition Regulation Supplement; Waiver of Domestic Source Restrictions'' (Case 97–D321) received on May 26, 1998; to the Committee on Armed Services.

EC–5208. A communication from the Director of the Washington Headquarters Services, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Waiver of Collection of Payments Due From Certain Persons Unaware of Loss of CHAMPUS Eligibility'' (RIN0720–AA43) received on May 26, 1998; to the Committee on Armed Services.

EC–5209. A communication from the General Counsel of the Department of Defense, transmitting, pursuant to law, the report of the Department of Defense Panel to Study Military Justice in the National Guard Not in Federal Service; to the Committee on Armed Services.

EC–5210. A communication from the Under Secretary of Defense for Personnel and Readiness, transmitting, pursuant to law, a report entitled ''Assessment of Reports from the Military Departments on Sexual Harassment Complaints''; to the Committee on Armed Services.

EC–5211. A communication from the Assistant Secretary for Strategy and Threat Reduction, Department of Defense, transmitting, pursuant to law, a report entitled ''Russian Plutonium Production Reactor Core Conversion Project''; to the Committee on Armed Services.

EC–5212. A communication from the Under Secretary of Defense for Acquisition and Technology, transmitting, pursuant to law, a report on the best commercial inventory practices; to the Committee on Armed Services.

EC–5213. A communication from the Chief of the Regulations Branch, United States Customs Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Prior Disclosure'' (RIN1515–AB98) received on May 26, 1998; to the Committee on Finance.

EC–5214. A communication from the Chief of the Regulations Branch, United States Customs Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Emissions Standards for Imported Nonroad Engines'' (RIN1515–AC28) received on May 26, 1998; to the Committee on Finance.

EC–5215. A communication from the Chief of the Regulations Branch, United States Customs Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Automated Clearinghouse Credit'' (RIN1515–AC26) received on May 26, 1998; to the Committee on Finance.

EC–5216. A communication from the Chief of the Regulations Branch, United States Customs Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Procedural Change Regarding American Shooks and Staves'' (RIN1515–AC18) received on May 28, 1998; to the Committee on Finance.

EC–5217. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report on the Temporary Assistance for Needy Families (TANF) Contingency Fund; to the Committee on Finance.

EC–5218. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Surety Bond Requirements for Home Health Agencies'' (RIN0938–AI86) received on May 29, 1998; to the Committee on Finance.

EC–5219. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, a report entitled ''1996 National Water Quality Inventory Report''; to the Committee on Environment and Public Works.

EC–5220. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule regarding Air Quality Implementation Plans in the District of Columbia (FRL6103–3) received on May 26, 1998; to the Committee on Environment and Public Works.

EC–5221. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of two rules regarding lead hazard education and Wyoming landfill gas emissions (FRL5751–7, FRL6104–7) received on May 28, 1998; to the Committee on Environment and Public Works.

EC–5222. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Identification of Ozone Areas Attaining the 1-Hour Standard and to Which the 1-Hour Standard is No Longer Applicable'' (FRL6105–6) received on May 29, 1998; to the Committee on Environment and Public Works.

EC–5223. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, a draft of proposed legislation to grant the District of Columbia control over local revenues; to the Committee on Governmental Affairs.

EC–5224. A communication from the Interim District of Columbia Auditor, transmitting, pursuant to law, a report entitled ''Review of The Financial And Administrative Activities of The Boxing and Wrestling Commission For Fiscal Years 1996 and 1997''; to the Committee on Governmental Affairs.

EC–5225. A communication from the Director of Corporate Audits and Standards, Accounting and Information Management Division, General Accounting Office, transmitting, a report entitled ''Congressional Award Foundation's 1997 and 1996 Financial Statements''; to the Committee on Governmental Affairs.

EC–5226. A communication from the Administrator of the Panama Canal Commission, transmitting, a report entitled ''Financial Statements For the Years Ended September 30, 1997 and 1996 Together With Auditors' Report''; to the Committee on Governmental Affairs.

EC–5227. A communication from the Office of the Public Printer, U.S. Government Printing Office, transmitting, pursuant to law, the report of the Office of the Inspector General for the period October 1, 1997, through March 31, 1998; to the Committee on Governmental Affairs.

EC–5228. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report under the Inspector General Act for the period October 1, 1997 through March 31, 1998; to the Committee on Governmental Affairs.

EC–5229. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Federal Employees Health Benefits Program: Removal of Minimum Salary Requirement'' (RIN3206–AI05) received on May 28, 1998; to the Committee on Governmental Affairs.

EC–5230. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the report of the Office of Inspector General for the period October 1, 1997 through March 31, 1998; to the Committee on Governmental Affairs.

EC–5231. A communication from the Chairman and the General Counsel of the National Labor Relations Board, transmitting, pursuant to law, the report of the Office of the Inspector General for the period April 1, 1997 through September 30, 1997; to the Committee on Governmental Affairs.

EC–5232. A communication from the Chairman of the Federal Maritime Commission, transmitting, pursuant to law, the report of the Inspector General for the period October 1, 1997 through March 31, 1998; to the Committee on Governmental Affairs.

EC–5233. A communication from the Chairman of the District of Columbia Financial Responsibility and Management Assistance Authority, transmitting, pursuant to law, the Financial Plan and Budget for the District of Columbia for fiscal year 1999; to the Committee on Governmental Affairs.

EC–5234. A communication from the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of the Office of Inspector General for the period October 1, 1997 through March 31, 1998; to the Committee on Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. STEVENS, from the Committee on Appropriations, without amendment:

S. 2132. An original bill making appropriations for the Department of Defense for fiscal year ending September 30, 1999, and for other purposes (Rept. No. 200).

By Mr. HATCH, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 1301. A bill to amend title 11, United States Code, to provide for consumer bankruptcy protection, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of committees were submitted:

By Mr. THURMOND, from the Committee on Armed Services:

Joseph W. Westphal, of Virginia, to be an Assistant Secretary of the Army.

Mahlon Apgar, IV, of Maryland, to be an Assistant Secretary of the Army.

Hans Mark, of Texas, to be Director of Defense Research and Engineering.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. GRAMS:

S. 2130. A bill to amend the Internal Revenue Code of 1986 to provide additional retirement savings opportunities for small employers, including self-employed individuals; to the Committee on Finance.

By Mr. CHAFEE (for himself, Mr. WARNER, and Mr. BAUCUS) (by request):

S. 2131. A bill to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; to the Committee on Environment and Public Works.

By Mr. STEVENS:

S. 2132. An original bill making appropriations for the Department of Defense for fiscal year ending September 30, 1999, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 2133. A bill to designate former United States Route 66 as ''America's Main Street'' and authorize the Secretary of the Interior to provide assistance; to the Committee on Energy and Natural Resources.

By Mr. ALLARD:

S. 2134. A bill to provide for air transportation between Denver, Colorado, and London, England; to the Committee on Commerce, Science, and Transportation.

By Mr. SMITH of New Hampshire (for himself and Mr. HELMS):

S.J. Res. 47. A joint resolution disapproving the extension of the waiver authority contained in section 402(c) of the Trade Act of 1974 with respect to Vietnam; to the Committee on Finance.

By Mr. INHOFE:

S.J. Res. 48. A bill proposing an amendment to the Constitution of the United States restoring religious freedom; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. ASHCROFT (for himself and Mr. HUTCHINSON):

S. Res. 242. A resolution expressing the sense of the Senate that the President should not go to China until certain aspects of United States policy toward China in the areas of national security, trade, and human rights have been clarified and outstanding questions surrounding the export of United States satellite and missile technology have been answered; to the Committee on Foreign Relations.

By Mr. BRYAN (for himself and Mr. REID):

S. Res. 243. A resolution to commend and congratulate the University of Nevada Las Vegas men's golf team on winning the team's first National Collegiate Athletic Association Championship; considered and agreed to.

By Mr. ABRAHAM (for himself, Mr. DEWINE, and Mr. ASHCROFT):

S. Con. Res. 101. A concurrent resolution expressing the sense of the Congress that the President of the United States should reconsider his decision to be formally received in Tiananmen Square by the Government of the People's Republic of China; to the Committee on Foreign Relations.

By Mr. ROCKEFELLER (for himself, Mr. SPECTER, Mr. LOTT, and Mr. DASCHLE):

S. Con. Res. 102. A concurrent resolution recognizing disabled American veterans; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRAMS:

S. 2130. A bill to amend the Internal Revenue Code of 1986 to provide additional retirement savings opportunities for small employers, including self-employed individuals; to the Committee on Finance.

SMALL EMPLOYER NEST EGG ACT OF 1998

Mr. GRAMS. Mr. President, I rise today to acknowledge the National Summit on Retirement Savings which is taking place here in Washington today and tomorrow. I also want to use this occasion to introduce legislation that will empower a greater number of working Americans to save for their retirement through employer-sponsored retirement plans.

In the course of the next 2 days, the 239 delegates to the National Summit on Retirement Savings will address an issue of great importance as the baby boom generation draws closer to retirement age and the future of Social Security remains uncertain.

With savings rates at a 59-year low, and the revelation in the 1998 Social Security Trustees Report that Social Security is actuarially bankrupt, it is evident that we face what amounts to a retirement crisis.

The less individuals save for their retirement, the greater the strain on an ailing Social Security system that is incapable of sustaining the fast-growing retired population.

Yet studies show that an increasing number of Americans are depending on Social Security for their retirement income. According to the Employee Benefit Research Institute, Social Security is the primary source of income for 80% of retired Americans, and practically the only source for 40% of retirees.

Those who depend on Social Security for their retirement can expect a standard of living far lower than the one they enjoyed while in the work force.

For instance, an individual who has an annual income of $15,000 per year who retires in 1998 at age 65 can expect Social Security to provide only one-half their previous income, and the replacement rate drops steadily when moving up the income bracket.

Indeed, Social Security was never intended to be the major source of retirement savings that it seems to have become—its purpose was to serve as a single leg in a three-legged stool that would sustain Americans in their retirement years.

Social Security's original purpose was to provide Americans with the minimal level of income in retirement that when combined with personal savings and employment-based pensions would give retirees the living standard they enjoyed before retirement.

Mr. President, given these facts about Social Security and the decline in savings among Americans, it is crucial that steps be taken to ensure that the three-legged stool does not collapse under the weight of the growing retired population.

It is true that recent steps taken by Congress, particularly the 1996 enactment of the SIMPLE retirement plan, have succeed in increasing employee participation in employer-sponsored retirement plans.

However, the complexity of qualification requirements under current law and the administrative expenses associated with setting up retirement plans, including the SIMPLE plan, remain significant impediments to widespread implementation of these types of employer-based retirement systems.

This is particularly true for small employers with less than 100 employees, for whom the resulting benefits do not outweigh the administrative costs. Consequently, only 42% of all individuals employed by small businesses now participate in an employer-sponsored plan, as opposed to 78% of those who work for larger businesses.

To address this problem, I am introducing the Small Employer Nest Egg Act of 1998.

This legislation will create a new retirement option for small business owners with 100 or fewer employees and it would be similar to the SIMPLE plan

and the SMART plan President Clinton proposed in his fiscal year 1999 budget.

However, my proposal differs somewhat from these two plans in that it would allow the same level of benefits—both to employers and employees—as larger employers who maintain traditional qualified plans.

Furthermore, upon retirement or separation of service, employees would receive 100% account value.

To offset the high costs associated with starting a pension plan, at the centerpiece of this proposal is a tax cut equal to 50% of the administrative and retirement education expenses incurred for the first five years of a plan's operation.

In addition, participating businesses would be exempt from some of the more burdensome administrative requirements associated with qualified plans.

That exemption would be in exchange for the employers' agreement to provide a minimum benefit of 3% to all employees who satisfy a minimum age requirement of 21 years old and the minimum service requirement of 1,000 hours during the preceding calendar year.

Mr. President, small businesses are the lifeblood of our communities, providing millions of jobs nationwide.

This bill I am introducing has been endorsed by the U.S. Chamber of Commerce. It has also been endorsed by the National Association of Women Small Business Owners and also of 220 small businesses in Minnesota alone. So it has very strong endorsement from the small business community.

Small business owners want to help their employees to save for their retirement, yet many are unable to do so as a result of rigid Government policies that seemingly have little regard for the plight of the small employer.

I urge my colleagues to support this legislation and to give small employers the ability they have long sought to help their employees save for their retirement.

By Mr. CHAFEE (for himself, Mr. WARNER, and Mr. BAUCUS) (by request):

S. 2131. A bill to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; to the Committee on Environment and Public Works.

WATER RESOURCES DEVELOPMENT ACT OF 1998

● Mr. CHAFEE. Mr. President, in my capacity as chairman of the Committee on Environment and Public Works, I join with Senators WARNER and BAUCUS today to introduce the Administration's 1998 Water Resources Development Act by request.

After 16 years of stalemate over the appropriate cost sharing of navigation, flood control, environmental restoration, and other types of water projects, the Reagan administration and Congress were able to reach agreement on the landmark Water Resource Development Act (''WRDA'') of 1986. As a part of that important compromise there was a general understanding that a two-year cycle of water project authorization bills would be established. With the exception of 1994, the administration and Congress have successfully worked together toward that end.

It is time once again to continue the biennial water resources authorization cycle with a 1998 WRDA. The bill we introduce today on behalf of the administration represents an effort to identify worthwhile projects and policies in support of the Army Corps of Engineers Civil Works program.

I and other members of the Committee on Environment and Public Works will conduct a thorough review of the administration's WRDA request, and the project and policy requests of individual Senators, to make sure that any bill reported to the full Senate later this year is economically and environmentally justified.

Mr. President, this legislation is important to communities throughout the nation. I look forward to working closely with colleagues in the coming weeks to ensure enactment of WRDA '98.●

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 2133. A bill to designate former United States Route 66 as ''America's Main Street'' and authorize the Secretary of the Interior to provide assistance; to the Committee on energy and Natural Resources.

ROUTE 66 LEGISLATION

Mr. DOMENICI. Mr. President, on behalf of myself and Senator BINGAMAN from New Mexico, I am pleased to introduce today what we will call the Route 66 Preservation Act of 1998. Some here in the Senate may recall that I introduced the Route 66 Study Act of 1990, which directed the National Park Service to determine the best way to preserve, commemorate and interpret ''America's Main Street''—Route 66.

Public Law 102–400 directed the National Park Service to conduct a study on the impact of that route, that highway on America's culture. The study was completed in 1995, and addressed the feasibility of preserving what remains of the highway and the facilities associated with it through private and public efforts.

Most nonprofit Route 66 organizations and other interested parties preferred preservation Alternative 5, asking for national recognition of Route 66 and partnerships between private and public groups for preservation. This bill is based on that alternative, and authorizes the National Park Service to join with Federal, State and private efforts to preserve aspects of historic Route 66, the Nation's most important thoroughfare for east-west migration in the 20th century.

Designated in 1926, the 2,200-mile Route 66 stretched from Chicago to Santa Monica, CA. The thoroughfare became the first completely paved highway across the United States in 1938. It rolled through Illinois, Missouri, Kansas, Oklahoma, Texas, New Mexico, Arizona and California. In my home State of New Mexico, it went through the communities of Tucumcari, Santa Rosa, Albuquerque, Grants, and Gallup.

The Legislation I am introducing today would have the National Park Service designate an ''Office for Preservation of America's Main Street'' with officials from the 8 affected States. The Preservation Office would be authorized to:

Support State, local and private efforts to preserve Route 66 by providing technical assistance, participating in cost-sharing programs, and making grants and loans;

Act as a clearing house for communication among Federal, State, local and private entities interested in the preservation of Route 66;

Assist States in determining the appropriation form of a non-Federal entity or entities to perform functions of the Preservation Office once it is terminated 10 years after enactment of this legislation; and,

Sponsor a road sign program on Route 66 to be implemented on a cost-sharing basis with State and local organizations.

Route 66 is really a modern-day equivalent to the Santa Fe Trail. I believe this bill will provide States and local communities a more tangible means of gaining Federal assistance to preserve aspects of Route 66.

At one time, Route 66 was the most famous highway in the United States. Now it is fading from the American landscape. If we want to preserve Route 66, it is now time to act.

Up to 500,000 Americans—one quarter of all entrants to California during that era—migrated to California from the Dust Bowl on Route 66 from 1935 to 1940. John Steinbeck captured this journey and christened Route 66 the ''Mother Road'' in his classic novel of the Depression: ''The Grapes of Wrath.''

After World War II, another generation of Americans trekked across America on Route 66, not to escape despair, but to embrace economic opportunities in the West. Songwriter Bobby Troup expressed the enthusiasm and sense of adventure of this generation in his song, ''Get Your Kicks on Route 66!''

Route 66 also allowed generations of vacationers to travel to previously remote areas and experience the natural beauty and cultures of the Southwest and Far West.

Route 66 began to decline with the enactment of the Interstate Highway Act in 1956. In 1984, the last federally designated portion of Route 66 was decommissioned when interstate 40 was completed in Arizona.

Hopefully, the Senate will join me in once again allowing another generation to ''get its kicks'' on Route 66.

The study has been completed, and now it is time to give the Park Service some direction—let them set up a small office for the preservation of Route 66. The bill authorizes partnerships between the private sector, State entities and the Federal Government through existing programs in an effort to preserve various aspects of this rather magnificent American roadway—Route 66.

Many songs have been written about it. Many dreams are described by people who lived part of their lives there. Part of the Grapes of Wrath took place on Route 66. I think before all of what remains of America's Main Street disappears, it is a good time to pass this kind of bill and see if we can't preserve parts of it. Much is made of preserving historic things in the United States. It would be a shame, since there are so many people out there who care about this piece of American history and want to try to preserve the remnants of Route 66, if we did not do something now to help them in that effort.

● Mr. BINGAMAN. Mr. President, I am pleased to speak in support of this important legislation being introduced today by my friend Senator DOMENICI. The bill designates the old Highway 66 as ''America's Main Street'' and authorizes the National Park Service to help state, tribal and local governments in their efforts to preserve this unique piece of our national heritage.

Mr. President, Route 66 is more than a 2400-mile highway from Chicago to Los Angeles. In many ways it represents the American dream, the open road, and our unending search for opportunity and adventure. This is the ''Mother Road'' of John Steinbeck's classic 1939 novel ''The Grapes of Wrath.'' This is the road immortalized by Cole Porter and Jack Kerouac. In the 1950s, this is the road that gave us the popular television series ''Route 66.''

In my state of New Mexico, Route 66 ran nearly 400 miles from Glenrio in Quay County on the east to Manuelito in McKinley County on the West. Before 1937, the road looped north through Santa Fe and Bernalillo and south through Isleta and Los Lunas. Many of us believe the state of New Mexico has some of the most compelling scenery along the highway.

Mr. President, from the beginning Route 66 was intended to link America's rural and urban areas. Much of the original roadway remains along with those old classic filling stations, cafes, motels, and, of course, those unforgettable neon signs. Indeed, the old highway remains the ''main street'' in many New Mexico cities, including Albuquerque, Tucumcari, Santa Rosa, Bernalillo, Gallup, and Grants.

I think it is unfortunate that many drivers on our modern Interstate 40 cross New Mexico without pausing to enjoy the nostalgia of the old highway. That's why I am pleased that New Mexico is already working aggressively to preserve and memorialize the old highway. The route in New Mexico is now designated a scenic byway. Our state has worked hard to provide appropriate signage, and the familiar brown and white shield signs are now prominent along the old route. A number of New Mexico towns and pueblos have permanent exhibits on the history of Route 66 in their areas. The city of Tucumcari has a whimsical monument to Route 66 modeled after a Cadillac tail fin. Soon there will be a Route 66 interpretative center at the Pueblo of Ácoma that will showcase the historic and cultural attractions of the region. A similar center is planned for the Indian Pueblo Cultural Center in Albuquerque.

Mr. President, Route 66 received its original designation in 1926 as a result of the first national highway plan. Now, over seventy years later, Congress has just passed a new highway bill that clearly recognizes through the Enhancements and Scenic Byways Programs the importance of preserving and protecting our national heritage. With the automobile firmly entrenched in our culture today, highways such as Route 66 are a genuine part of our heritage. This bill will help assure that heritage is preserved. I am pleased to co-sponsor this bill with Senator DOMENICI, and I thank him for his efforts.●

By Mr. ALLARD:

S. 2134. A bill to provide for air transportation between Denver, Colorado, and London, England; to the Committee on Commerce, Science, and Transportation.

DENVER INTERNATIONAL AIRPORT LEGISLATION

● Mr. ALLARD. Mr. President, I am introducing legislation today to encourage the Secretary of the Department of Transportation to act expeditiously in the interest of fairness and in support of the economy of my home state of Colorado.

I would like to explain the situation that causes me to make this proposal. There exists an agreement between the United States and the United Kingdom to allow US Airways to operate a direct flight from Charlotte, North Carolina, to Gatwick Airport in London, England. In accordance with fair and recognized practices, the airlines with established routes and time slots that have served Gatwick Airport for years were not disturbed, and US Airways was given landing rights for a time slot that is not currently occupied. Although it may not be US Airways' top choice, the time slot that has been allocated appears to be commercially viable. US Airways, however, refuses to begin service unless they are given a better time slot at Gatwick. This request is beyond the provisions of the approved agreement.

An unrelated agreement to allow British Airways to provide non-stop service from Denver, Colorado, to London, England, is currently pending approval by the United States Department of Transportation. The Department has chosen to deliberately delay approval of the British Airways' agreement in order to pressure British Airways and the authorities at Gatwick Airport to give US Airways the most desirable time slots. The Department is simply holding the Denver-London flights hostage until the demands of US Airways are met. This is not proper use of the Department of Transportation's authority; it sets a negative precedent for airline competition and cooperation between the United States and Europe, and it is impacting the growth of Colorado's economy.

The Secretary has been kind enough to meet with me personally, along with my colleague from Colorado, Senator BEN NIGHTHORSE CAMPBELL, to discuss this issue. In spite of our concerns about Colorado, the Department still resists any effort to progress on the approval of the British Airways Denver-London flights. The date for beginning service was postponed from June 1st to August 1st, and unfortunately British Airways will announce tomorrow that the delay in approval will preclude them from starting service by August 1st. The start date for Denver-London direct service has been indefinitely postponed.

This postponement denies Colorado its first overseas international flight at Denver International Airport. It prohibits our tourism industry from growing, especially during the upcoming ski season. It prevents increased competition that would result from connecting flights at DIA. It creates a problem for the employees in Denver who have already been hired by British Airways, but who have no jobs.

I hope that the Department of Transportation takes immediate action on the pending British Airways agreement, and I encourage my colleagues to support me and my efforts to ensure that the British Airways agreement is justly considered, and that Colorado is not harmed as the Department of Transportation deals with the separate concerns of US airways.●

By Mr. SMITH of New Hampshire (for himself and Mr. HELMS):

S.J. Res. 47. A joint resolution disapproving the extension of the waiver authority contained in section 402(c) of the Trade Act of 1974 with respect to Vietnam; to the Committee of Finance.

JOINT RESOLUTION DISAPPROVING WAIVER AUTHORITY FOR VIETNAM

● Mr. SMITH of New Hampshire. Mr. President, today I am introducing legislation to require Vietnam to provide freedom of emigration for the Vietnamese people before tax dollars from our constituents across America are used to further expand our government's trade relations with this communist regime. As provided for in the Trade Act of 1974, my resolution prohibits implementation of the President's decision yesterday to waive the freedom of emigration requirements with Vietnam.

I am pleased that Senator HELMS, the distinguished Chairman of the Senate Foreign Relations Committee, has joined me as a sponsor of this joint resolution, and I commend my colleague, Congressman ROHRABACHER, for introducing a companion measure in the House. I also note that our efforts are strongly supported by the Chairman of the House International Relations Committee, Congressman GILMAN, the Chairman of that Committee's panel on International Operations and Human Rights, Congressman CHRISTOPHER SMITH, and several other Members on both sides of the aisle in that chamber. Frankly, Mr. President, given the support for this resolution by the relevant Committee chairmen, one has to question why the Administration moved forward on this in March of this year and again yesterday. This is particularly troublesome given the fact that the President's own National Security Advisor stated this past December that the President would not move forward unless consultations with Congress went well. Clearly, the consultations did not go well.

When Congress considered and passed the amendment by Senator Jackson and Representative Vanik in the Trade Act of 1974, everyone at the time understood Congressional intent—free emigration was to be a condition for expanding U.S. trade relations with non-market communist nations.

Today, nearly two and a half decades later, we do not have free emigration provided to the people of Vietnam by the communist regime that took over that entire country by force in 1975. Moreover, the Administration has failed to make a convincing case to the Congress to justify President Clinton's decision to waive freedom of emigration requirements. Hanoi's record does not support this decision. Yes, Hanoi has taken some steps to permit more orderly departures in recent years, but there are still unwarranted delays, and I am very concerned that recent promises and pledges of cooperation have yet to be satisfactorily fulfilled.

Congressional intent was clear in 1974, and it has not changed since that time. U.S. policy is supposed to put freedom of emigration ahead of the trade interests some might have with this one-party communist state. We are supposed to be putting principle over profit, not the other way around.

I believe America should not abandon the Vietnamese people who long for respect for human rights and democratic freedoms. They were abandoned over two decades ago, and we simply cannot let it happen again. Jackson-Vanik requirements should not be waived for Vietnam if it is not absolutely clear that such a waiver would ''substantially promote'' freedom of emigration requirements as the law requires. This past March, State Department witnesses testified there had been ''measurable'' progress. The term measurable does not imply to me that we are seeing dramatic positive changes by Vietnam. I do not believe we have seen ''significantly more rapid progress'' which was the standard set by Secretary of State Albright herself last year during her visit to Vietnam. And I fail to see how the President's first waiver for Vietnam on March 9, 1998 has substantially promoted progress these past three months. If more people had been permitted to leave Vietnam in the last three months than we had seen over the last three years, then maybe the waiver would have, indeed, substantially promoted progress, but that has not happened, Mr. President, from what I have been told.

Today, as we introduce this joint resolution, there are still people in Vietnam who supported us and fought for us during the war who have not been allowed to freely emigrate. Some of them have not even been allowed to meet with U.S. officials for interviews. I understand that others have been forced to pay exorbitant bribes in order to be considered for exit visas.

Under the Trade Act of 1974, Congress has an opportunity to ensure that freedom of emigration requirements are met by Vietnam before further trade benefits are extended. The joint resolution introduced today by myself and Senator HELMS provides my colleagues the opportunity to go on record in support of the people of Vietnam. If you want to send a message to the Government of Vietnam that they must fully comply with the promises and commitments they have made in recent years, this is the way to do it.

Additionally, for those of my colleagues who continue to be concerned, as I am, that Hanoi has not been fully forthcoming in their accounting for American POWs and MIAs, and their progress on human rights, then you should support this resolution. Some of my colleagues may recall that both the POW/MIA issue and human rights concerns were, indeed, central to the provisions first adopted in the Trade Act of 1974, and so it is appropriate that these concerns are made part of the current debate as well.

How far must we go, Mr. President, to embrace this communist regime before they fully address our long-standing concerns on all these important issues? I am certain that the time has come once again for Congress to go on record in support of the objectives behind this resolution.

Finally, Mr. President, I would note that the resolution we are introducing today is strongly supported by numerous organizations of Vietnamese-Americans, many of our national veterans and POW/MIA family organizations, several international refugee organizations, and a host of other concerned groups of Americans.

I look forward to the forthcoming debate on this timely and important issue.●

ADDITIONAL COSPONSORS

S. 230

At the request of Mr. THURMOND, the name of the Senator from Minnesota (Mr. GRAMS) was added as a cosponsor of S. 230, a bill to amend section 1951 of title 18, United States Code (commonly known as the Hobbs Act), and for other purposes.

S. 831

At the request of Mr. SHELBY, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 831, a bill to amend chapter 8 of title 5, United States Code, to provide for congressional review of any rule promulgated by the Internal Revenue Service that increases Federal revenue, and for other purposes.

S. 852

At the request of Mr. LOTT, the names of the Senator from Oklahoma (Mr. NICKLES) and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors of S. 852, a bill to establish nationally uniform requirements regarding the titling and registration of salvage, nonrepairable, and rebuilt vehicles.

S. 1251

At the request of Mr. D'AMATO, the names of the Senator from Maryland (Ms. MIKULSKI) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 1251, a bill to amend the Internal Revenue Code of 1986 to increase the amount of private activity bonds which may be issued in each State, and to index such amount for inflation.

S. 1252

At the request of Mr. D'AMATO, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. 1252, a bill to amend the Internal Revenue Code of 1986 to increase the amount of low-income housing credits which may be allocated in each State, and to index such amount for inflation.

S. 1334

At the request of Mr. BOND, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 1334, a bill to amend title 10, United States Code, to establish a demonstration project to evaluate the feasibility of using the Federal Employees Health Benefits program to ensure the availability of adequate health care for Medicare-eligible beneficiaries under the military health care system.

S. 1345

At the request of Mr. ROCKEFELLER, the names of the Senator from Maine (Ms. SNOWE) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 1345, a bill to amend titles XVIII and XIX of the Social Security Act to expand and clarify the requirements regarding advance directives in order to ensure that an individual's health care decisions are complied with, and for other purposes.

S. 1391

At the request of Mr. DODD, the name of the Senator from Michigan (Mr.

LEVIN) was added as a cosponsor of S. 1391, a bill to authorize the President to permit the sale and export of food, medicines, and medical equipment to Cuba.

S. 1413

At the request of Mr. LUGAR, the names of the Senator from Connecticut (Mr. DODD) and the Senator from Montana (Mr. BAUCUS) were added as cosponsors of S. 1413, a bill to provide a framework for consideration by the legislative and executive branches of unilateral economic sanctions.

S. 1423

At the request of Mr. HAGEL, the names of the Senator from Montana (Mr. BURNS) and the Senator from North Dakota (Mr. CONRAD) were added as cosponsors of S. 1423, a bill to modernize and improve the Federal Home Loan Bank System.

S. 1427

At the request of Mr. FORD, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1427, a bill to amend the Communications Act of 1934 to require the Federal Communications Commission to preserve lowpower television stations that provide community broadcasting, and for other purposes.

S. 1464

At the request of Mr. HATCH, the name of the Senator from Arkansas (Mr. BUMPERS) was added as a cosponsor of S. 1464, a bill to amend the Internal Revenue Code of 1986 to permanently extend the research credit, and for other purposes.

S. 1529

At the request of Mr. KENNEDY, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1529, A bill to enhance Federal enforcement of hate crimes, and for other purposes.

S. 1808

At the request of Mr. REED, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1808, a bill to amend title XXVII of the Public Health Service Act and part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 to establish standards for the health quality improvement of children in managed care plans and other health plans.

S. 1879

At the request of Mr. BURNS, the names of the Senator from Mississippi (Mr. COCHRAN), the Senator from California (Mrs. BOXER), the Senator from Alabama (Mr. SHELBY), the Senator from Alabama (Mr. SESSIONS), and the Senator from Georgia (Mr. CLELAND) were added as cosponsors of S. 1879, a bill to provide for the permanent extension of income averaging for farmers.

S. 1897

At the request of Mr. ROCKEFELLER, the names of the Senator from Rhode Island (Mr. CHAFEE) and the Senator from Illinois (Ms. MOSELEY-BRAUN) were added as cosponsors of S. 1897, a bill to require accurate billing by telecommunications carriers with respect to the costs and fees resulting from the enactment of the Telecommunications Act of 1996, and for other purposes.

S. 1917

At the request of Mr. DURBIN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1917, a bill to prevent children from injuring themselves and others with firearms.

S. 1924

At the request of Mr. MACK, the names of the Senator from Georgia (Mr. CLELAND) and the Senator from Utah (Mr. BENNETT) were added as cosponsors of S. 1924, a bill to restore the standards used for determining whether technical workers are not employees as in effect before the Tax Reform Act of 1986.

S. 1959

At the request of Mr. COVERDELL, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 1959, a bill to prohibit the expenditure of Federal funds to provide or support programs to provide individuals with hypodermic needles or syringes for the use of illegal drugs.

S. 1991

At the request of Mr. JOHNSON, the names of the Senator from California (Mrs. BOXER) and the Senator from Montana (Mr. BAUCUS) were added as cosponsors of S. 1991, a bill to require the Secretary of Transportation to issue regulations to provide for improvements in the conspicuity of rail cars of rail carriers.

S. 2014

At the request of Mr. BIDEN, the name of the Senator from New York (Mr. MOYNIHAN) was added as a cosponsor of S. 2014, a bill to authorize the Attorney General to reschedule certain drugs that pose an imminent danger to public safety, and to provide for the rescheduling of the date-rape drug and the classification of certain ''club'' drug.

S. 2030

At the request of Mr. BUMPERS, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 2030, a bill to amend the Federal Rules of Civil Procedure, relating to counsel for witnesses in grand jury proceedings, and for other purposes.

S. 2049

At the request of Mr. KERREY, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 2049, a bill to provide for payments to children's hospitals that operate graduate medical education programs.

S. 2073

At the request of Mr. HATCH, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 2073, a bill to authorize appropriations for the National Center for Missing and Exploited Children.

S. 2100

At the request of Mr. SPECTER, the name of the Senator from New York (Mr. MOYNIHAN) was added as a cosponsor of S. 2100, a bill to amend the Higher Education Act of 1965 to increase public awareness concerning crime on college and university campuses.

S. 2107

At the request of Mr. ABRAHAM, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from Mississippi (Mr. LOTT) were added as cosponsors of S. 2107, a bill to enhance electronic commerce by promoting the reliability and integrity of commercial transactions through establishing authentication standards for electronic communications, and for other purposes.

SENATE CONCURRENT RESOLUTION 94

At the request of Mr. LIEBERMAN, the names of the Senator from New York (Mr. MOYNIHAN) and the Senator from Illinois (Ms. MOSELEY-BRAUN) were added as cosponsors of Senate Concurrent Resolution 94, a concurrent resolution supporting the religious tolerance toward Muslims.

SENATE CONCURRENT RESOLUTION 95

At the request of Mr. DODD, the names of the Senator from South Dakota (Mr. DASCHLE) and the Senator from South Carolina (Mr. HOLLINGS) were added as cosponsors of Senate Concurrent Resolution 95, a concurrent resolution expressing the sense of Congress with respect to promoting coverage of individuals under long-term care insurance.

SENATE RESOLUTION 193

At the request of Mr. REID, the names of the Senator from North Carolina (Mr. FAIRCLOTH), the Senator from Virginia (Mr. ROBB), the Senator from Hawaii (Mr. AKAKA), and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of Senate Resolution 193, a resolution designating December 13, 1998, as ''National Children's Memorial Day.''

SENATE RESOLUTION 240

At the request of Mr. THOMAS, the name of the Senator from New Hampshire (Mr. SMITH) was added as a cosponsor of Senate Resolution 240, a resolution expressing the sense of the Senate with respect to democracy and human rights in the Lao People's Democratic Republic.

AMENDMENT NO. 2446

At the request of Mr. FEINGOLD his name was added as a cosponsor of Amendment No. 2446 proposed to S. 1415, a bill to reform and restructure the processes by which tobacco products are manufactured, marketed, and distributed, to prevent the use of tobacco products by minors, to redress the adverse health effects of tobacco use, and for other purposes.

SENATE CONCURRENT RESOLUTION 101—EXPRESSING THE SENSE OF CONGRESS THAT THE PRESIDENT OF THE UNITED STATES SHOULD RECONSIDER HIS DECISION TO BE FORMALLY RECEIVED IN TIANANMEN SQUARE BY THE PEOPLE'S REPUBLIC OF CHINA

Mr. ABRAHAM (for himself, Mr. DEWINE, and Mr. ASHCROFT) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 101

Whereas nine years ago on June 4, 1989, thousands of Chinese students peacefully gathered in Tiananmen Square to demonstrate their support for freedom and democracy;

Whereas it was with horror that the world witnessed the response of the Government of the People's Republic of China as tanks and military units marched into Tiananmen Square;

Whereas Chinese soldiers of the People's Republic of China were ordered to fire machine guns and tanks on young, unarmed civilians;

Whereas ''children were killed holding hands with their mothers,'' according to a reliable eyewitness account:

Whereas according to the same eyewitness account, ''students were crushed by armored personnel carriers'';

Whereas more than 2,000 Chinese pro-democracy demonstrators died that day, according to the Chinese Red cross;

Whereas hundreds continue to languish in prisons because of their belief in freedom and democracy;

Whereas nine years after the massacre on June 4, 1989, the Government of the People's Republic of China has yet to acknowledge the Tiananmen Square massacre; and

Whereas, being formally received in Tiananmen Square, the President would bestow legitimacy on the Chinese government's horrendous actions of 9 years ago: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that the President should reconsider his decision to be formally received in Tiananmen Square until the Government of the People's Republic of China acknowledges the Tiananmen Square massacre, pledges that such atrocities will never happen again, and releases those Chinese students still imprisoned for supporting freedom and democracy that day.

Mr. ABRAHAM. Mr. President, today I submit a resolution expressing the sense of the Congress that the President of the United States should reconsider his decision to be formally received in Tiananmen Square by the Government of the People's Republic of China.

I submit this resolution, Mr. President, because I am convinced that the President of the United States, the leader of the world's first free nation and indeed of the free world, should not give the slightest reason for anyone to believe that he or the United States has forgotten the crimes against liberty and humanity committed by the communist regime in Beijing.

As we mark the ninth anniversary of the massacre of pro-democracy demonstrators in Tiananmen square, I think it is important that we consider our own role in bringing those students, mothers, fathers and children into the streets to demand their freedom. We must never forget, in my view, that it was to the United States, the birthplace of freedom, that these brave people looked in seeking a new path for China.

''The Goddess of Democracy''—our own Lady Liberty—and our Declaration of Independence were, despite long-standing government bans, constantly on the minds and in the hearts of those who demanded freedom and democracy.

The shot fired at Lexington and Concord continues to be heard round the world. The natural human desire for freedom, for the liberty to worship, to enjoy the fruits of one's labor, to tend one's family and community, will not die, despite the tanks and armored personnel carriers of a despotic regime.

We have a responsibility in my view, Mr. President, to stand up for the principles on which our nation was founded, the principles that brought virtually all of our ancestors to these shores, the principles that won the cold war and that continue to fire the hearts of all peoples the world over.

Now is the time for President Clinton to stand up for these principles. More than 2,000 freedom loving people, including children holding their mother's hands, were killed by the communist Chinese government in Tiananmen Square. Hundreds of innocent men and women continue to be held under inhuman conditions simply for standing up for freedom, democracy, and the truth of individual human dignity. And the Communist regime in Beijing continues to claim that it was right to act so brutally in putting down what it calls a ''counter revolutionary riot.''

Now is not the time, Mr. President, to greet Chinese officials in Tiananmen Square. Now is the time to speak out for the oppressed, those who have died and those who are imprisoned for their beliefs.

I have submitted this resolution because I believe it would be inappropriate, and a show of disrespect for those who have died for freedom, for our President to be formally received in Tiananmen Square by the Chinese Communist Government.

It is my hope that the President will heed this call to stand with the people of China, to uphold the principles of our nation, and to say not to tyranny.

Mr. President, I ask unanimous consent that a letter signed by several human rights, religious, and pro-family leaders urging the President to reconsider his decision to go to Tiananmen Square be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

FAMILY RESEARCH COUNCIL,
Washington, May 20, 1998.

President WILLIAM J. CLINTON,
Washington, DC.

DEAR MR. PRESIDENT: Nine years ago, thousands of Chinese students peacefully gathered in Tiananmen Square to show their admiration of democracy. It was with horror that the world witnessed the response of China's government as tanks and military units marched into the square. Hundreds of students died that day. Hundreds more continue to languish in prisons for their belief in democracy. That day remains vivid in the minds of Americans across the political spectrum.

Therefore, we were deeply disturbed when we received the news that you will be officially recognized in Tiananmen Square during your upcoming visit to China. Although the signatories of this letter are often in disagreement over U.S. public policy, we are united in our passion for the founding words of this country: ''All men are created equal [and] . . . are endowed by their Creator with certain inalienable rights . . . [and] among these are life, liberty, and the pursuit of happiness. . . .'' These words, we believe, apply not just to Americans but to all men and women. No lasting gain can be achieved by tarnishing the very principles that we, as Americans, hold dear.

By being formally received in Tiananmen Square, Mr. President, you are bestowing legitimacy to the ground where innocent blood was needlessly shed. Nine years after the massacre on June 4, 1989, Beijing has yet to acknowledge that dreadful moment or the lives that were cruelly and arbitrarily taken. We ask that you reconsider your decision to go to Tiananmen Square until China's regime expresses regret and releases those still imprisoned for their brave stand.

Sincerely,

Gary L. Bauer, President, Family Research Council; Xiao Qiang, Executive Director, Human Rights in China; Kerry Kennedy Cuomo, Founder, Robert F. Kennedy Memorial Center for Human Rights; Dr. James Dobson, President, Focus on the Family; Harry Wu, Executive Director, The Laogai Research Foundation; Dr. William Bennett, Co-Director, Empower America; Joseph Kung, President, Cardinal Kung Foundation; Carmen Pate, President, Concerned Women for America; Deacon Keith A. Fournier, President, Catholic Alliance; Rev. Louis P. Sheldon, Chairman, Traditional Values Coalition; Phyllis Schlafly, President, Eagle Forum; Jeff Fiedler, President, Food and Allied Service Trade Department, AFL–CIO; Steve Snyder, President, International Christian Concern; Nina Shea, President, Center for Religious Freedom, Freedom House; Steven McFarland, Director, Center for Law and Religious Freedom, Christian Legal Society; Don Wildmon, President, American Family Association; Robert George, Professor, Princeton University; Michael Howden, Executive Director, Oregon Center for Family Policy; Michael Heath, Executive Director, Christian Civic League of Maine; William T. Devlin, Executive Director, Urban Family Council; Kent Ostrander, Executive Director, The Family Foundation; Matt Daniels, President, Massachusetts Family Institute; John H. Paulton, Executive Director, South Dakota Family Policy Council; Gary Schmitt, Executive Director, Project for the New American Century; Jeff Kemp, President, Washington Family Council; Randy Hicks, Executive Director, Georgia Family Council; Gary J. Palmer, Executive Director, Alabama Family Alliance; Len Deo, President, New Jersey Family Policy Council; William A. Smith, Executive Director, Indiana Family Institute; Paul Scianna, Executive Director,

Family Policy Center, Missouri; Thomas McMillen, President, Rocky Mountain Family Council; Michael Geer, Executive Director, Pennsylvania Family Institute; Don Hodel, President, Christian Coalition; Deal Hudson, Publisher and Editor, Crisis Magazine; Chuck Colson, President, Prison Fellowship; Randy Tate, Executive Director, Christian Coalition.

SENATE CONCURRENT RESOLUTION 102—REGARDING DISABLED AMERICAN VETERANS

Mr. ROCKEFELLER (for himself, Mr. SPECTER, Mr. LOTT, and Mr. DASCHEL) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 102

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. USE OF CAPITOL GROUNDS FOR DISABLED AMERICAN VETERANS EVENT.

Disabled American Veterans shall be permitted to sponsor a public event on the West Front Lawn of the Capitol on June 16 and 17, 1998, or on such other dates as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate may jointly designate, in order announce the donation of 147 vans to the Department of Veterans Affairs by Disabled American Veterans.

SEC. 2. TERMS AND CONDITIONS.

(a) IN GENERAL.—The event authorized by section 1 shall be free of admission charge to the public and arranged not to interfere with the needs of Congress, under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board.

(b) EXPENSES AND LIABILITIES.—Disabled American Veterans shall assume full responsibility for all expenses and liabilities incident to all activities associated with the event.

SEC. 3. EVENT PREPARATIONS.

(a) STRUCTURES AND EQUIPMENT.—Subject to the approval of the Architect of the Capitol, Disabled American Veterans may erect upon the Capitol Grounds such stage, sound amplification devices, and other related structures and equipment as may be required for the event authorized by section 1.

(b) ADDITIONAL ARRANGEMENTS.—The Architect of the Capitol and the Capitol Police Board are authorized to make any such additional arrangements as may be required to carry out the event, including arrangements to limit access to First Street Northwest and First Street Southwest as required for the event.

SEC. 4. ENFORCEMENT OF RESTRICTIONS.

The Capitol Police Board shall provide for enforcement of the restrictions contained in section 4 of the Act of July 31, 1946 (40 U.S.C. 193d; 60 Stat. 718), concerning sales, displays, and solicitations on the Capitol Grounds, as well as other restrictions applicable to the Capitol Grounds, with respect to the event authorized by section 1.

SEC. 5. PHOTOGRAPHS.

The event authorized by section 1 may be conducted only after the Architect of the Capitol and the Capitol Police Board enter into an agreement with Disabled American Veterans and the manufacturer of the vans referred to in section 1 that prohibits Disabled American Veterans and such manufacturer from using any photograph taken at the event for a commercial purpose. The agreement shall provide for financial penalties to be imposed if any photograph is used in violation of this section.

SENATE RESOLUTION 242—EXPRESSING THE SENSE OF THE SENATE OF THE PRESIDENT'S UPCOMIING VISIT TO AND NATIONAL POLICY TOWARD CHINA

Mr. ASHCROFT (for himself and Mr. HUTCHINSON) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 242

Whereas the President has pledged that the United States ''must remain a champion'' of the liberties of the Chinese people;

Whereas two of the most notable Chinese dissidents, Wang Dan and Wei Jingsheng, effectively have been exiled from their country;

Whereas thousands of other individuals remain imprisoned in China and Tibet for peacefully expressing their beliefs and exercising their inalienable rights, including freedom of association, freedom of speech, and freedom of conscience;

Whereas the Government of the People's Republic of China routinely, systematically, and massively continues to commit widespread human rights abuses in Tibet, including instances of death in detention, torture, arbitrary arrest, imprisonment for the peaceful expression of religious and political views, and intensified controls on the freedom of speech and the press, particularly for ethnic Tibetans;

Whereas China has taken extraordinary steps to avoid the condemnation of the United Nations Commission on Human Rights;

Whereas the President has failed to press China aggressively to protect the civil liberties of the Chinese people and failed even to sponsor a resolution at the meeting of the United Nations Commission on Human Rights condemning China's human rights violations, which include forced abortion, summary execution, arbitrary imprisonment, and persecution of religious minorities;

Whereas since November 1994, the President has declared annually a national emergency regarding the proliferation of weapons of mass destruction and stated that such proliferation poses ''an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States'';

Whereas, in a June 1997 report on proliferation activity, the Central Intelligence Agency identified China as ''the most significant supplier of weapons of mass destruction-related goods and technology'', including missile, nuclear, and chemical weapons technology to rogue states such as Iran;

Whereas United States satellite cooperation with China has benefited China's intercontinental ballistic missile program—missiles with nuclear warheads pointed at the United States, and the Department of Justice is investigating possible missile technology transfers to China resulting from United States-Chinese satellite cooperation;

Whereas the President's decision to waive restrictions on the export to China of missile technology similar to that under investigation by the Department of Justice, and the President's efforts to lift the requirements for launch waivers altogether, undermine the present Justice Department investigation and threatens United States national security;

Whereas the Department of Justice is investigating possible campaign contributions from the People's Liberation Army to the Democratic National Committee through contributions from an executive at China Aerospace International Holdings, an affiliate of China Aerospace Corporation, the firm which oversees China's missile development and space programs;

Whereas China made written commitments to the United States during the October 1997 summit to terminate nuclear cooperation with Iran and was later reported to be violating that pledge by attempting to provide Iran with hundreds of tons of anhydrous hydrogen fluoride, a material for use in Iran's nuclear weapons complex to enrich uranium to weapons grade;

Whereas the President, in allowing nuclear cooperation to proceed with China, certified that ''the People's Republic of China has provided clear and unequivocal assurances to the United States that it is not assisting and will not assist any nonnuclear-weapon state, either directly or indirectly, in acquiring nuclear explosive devices or the material and components for such devices'';

Whereas the credibility of this certification is undermined by China's continuing proliferation activity, including efforts to assist Iran's nuclear weapons program;

Whereas since the United States normalized trade relations with China in 1979, China has risen from the 57th to 4th largest supplier of United States imports;

Whereas China's trade and investment practices have resulted in a 1997 trade deficit of $49,700,000,000, an imbalance more than 2.5 times larger than the United States trade deficit with all European countries, and accounting for one-fourth of the United States trade deficit with the entire world;

Whereas in the Executive branch's 1997 National Trade Estimate on Foreign Trade Barriers, China's trade regime was identified as ''political'', ''severely restricted'', ''prohibitive'', ''unpredictable'', ''preferential'', ''de facto'', ''unpublished'', ''vague'', ''inaccessible'', ''inconsistent'', and ''noncompetitive'';

Whereas facing Congress's near withdrawal of most-favored nation (MFN) status in 1991 and President Bush's threat of sanctions, China, in order to keep MFN status and have the United States support its accession to the World Trade Organization (WTO), agreed that it would allow the United States automobile sector to compete freely in the Chinese market and that, by December 31, 1997, it would eliminate significant trade barriers to United States agricultural exports;

Whereas China's trade liberalization commitments in 1991 have not been honored, yet the Executive branch is moving forward in negotiations for China to accede to the WTO;

Whereas concessions made by China in negotiations to accede to the WTO have been piecemeal, inconsistent, and deficient, and thus limit the economic opportunity of United States businesses and workers;

Whereas Taiwan serves as an example of democratic governance to China and the authoritarian Chinese communist party;

Whereas the People's Republic of China carried out missile exercises in 1995 and 1996 intended to intimidate the people of Taiwan, continues a military buildup directed at the island, refuses to renounce the use of force against Taiwan, and consistently seeks to isolate Taipei from membership in international organizations and general relations with other countries;

Whereas the Chinese communist party has undermined the institutions of democratic government in Hong Kong by abolishing Hong Kong's elected legislature, designing a framework for legislative elections that severely limits representative democracy, and passing retroactive legislation exempting Chinese entities from a host of Hong Kong's laws; and

Whereas the Democratic Party of Hong Kong won every seat elected by direct ballot in Hong Kong, garnering over 60 percent of the popular vote, yet President Clinton has

declined to meet individually with the leadership of the Democratic Party of Hong Kong: Now, therefore, be it

Resolved, That, in the interest of improving United States-China relations, it is the sense of the Senate that—

(1) a healthy and stable relationship with China is in the national interests of the United States;

(2) the Chinese people should be allowed to freely exercise their unalienable rights, including the rights to freedom of speech, of religion, and of association;

(3) efforts by the Chinese government to restrict those liberties pose a threat to a stable China and a positive long-term relationship with the United States;

(4) the President should submit a report to Congress as soon as possible after the proposed summit in China concerning his progress in securing the release of persons remaining imprisoned in China and Tibet and other significant steps to improve human rights;

(5) China's proliferation of weapons of mass destruction technology poses an unusual threat to the national security of the United States;

(6) the President has failed to confront China's proliferation of weapons of mass destruction technology, proliferation that is directly responsible for contributing to an escalating nuclear arms race between India and Pakistan;

(7) the trustworthiness of the Chinese government is undermined when nonproliferation and trade commitments of Chinese officials are repeatedly broken;

(8) the President, in addition to applauding narrow trade concessions from China, should ensure that the highest levels of diplomacy are used to open the entire Chinese market to United States trade and investment;

(9) China's accession to the World Trade Organization (WTO) should be conditioned on China's compliance with past market access commitments and further steps to open China's market to United States investment and trade in goods and services;

(10) the United States should not jeopardize cooperation with and assistance to the democratic government of Taiwan to appease the Chinese government but instead should maintain unambiguously its legal commitments to help maintain Taiwan's capacity for self-defense while calling upon the Chinese government to renounce the use of force against the people of Taiwan;

(11) the preservation of democratic government and rule of law in Hong Kong is an obligation of the Chinese government and failure to honor that obligation will have a negative effect on United States policy toward China;

(12) China is resisting the spread of democracy in Asia, which is occurring from South Korea to Indonesia, and the failure of President Clinton to meet with the leaders of the Democratic Party of Hong Kong undermines his statement to President Jiang that China's repressive government is ''on the wrong side of history''; and

(13) the President should not go to China to attend a summit with President Jiang until—

(A) the President has provided a full disclosure to Congress concerning the transfer of United States satellite and missile technology to China; and

(B) United States policy toward China in general has been formulated more effectively to protect United States national security, economic, and human rights interests.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President.

● Mr. ASHCROFT. Mr. President, it is fitting on this day, the ninth anniversary of the Tiananmen Square massacre, to submit this resolution calling for the President to delay his trip to China. With allegations swirling about China's efforts to influence U.S. elections, and with the hard evidence we do have of China's continuing proliferation of weapons of mass destruction technologies, rewarding China with a summit visit is sending the wrong signal at the wrong time.

There is perhaps nothing more indicting than a vote in the United States Congress that the actions of a Commander-in-Chief were not in the national interest. And yet, that is precisely what the House of Representatives did on May 20, 1998. By a vote of 417 to 4, the House voted that the President's decision in February 1998 to allow the export of satellite technology to China was ''not in the national interest.'' The Justice Department reportedly protested the waiver, expressing concern that it would undermine an ongoing criminal investigation of a possible satellite technology transfer that occurred in 1996.

What is just as troubling is the possible link between the export of U.S. satellite technology and political donations from China's People's Liberation Army (PLA). Liu Chao-ying, an officer in the PLA, gave Johnny Chung—one of the central figures in the Administration's fundraising scandal—$300,000 to funnel into democratic coffers in the 1995–96 election cycle. Ms. Liu just happens to be a senior manager and vice president in the China Aerospace conglomerate, Beijing's state-owned company that oversees China's missile development and space launch programs.

The White House says it did not know the source of Mr. Chung's funding. I question how diligently Administration officials and democratic fundraisers wanted to know. Warnings from the National Security Council as to the intentions of Mr. Chung, described by one official as a ''hustler,'' went unheeded. Senator THOMPSON's fundraising investigation describe in careful detail how the Democratic National Committee dismantled its vetting process for contributions. Mr. Chung himself visited the White House 49 times. This was not a superficial relationship. This man was a regular guest of the Administration.

The recent scandals surrounding satellite technology transfers and Chinese efforts to influence U.S. elections are only the latest, troubling signs that this Administration's China policy is an abysmal failure. As Harry Wu said at this morning's press conference to commemorate the Tiananmen Square massacre, appeasement does not bring peace.

Appeasement is precisely what this Administration's China policy has become. China announces it will not conduct an inquiry into the Tiananmen Square massacre, yet President Clinton begins his summit at this site, where possibly thousands of Chinese were killed. In Hong Kong, President Clinton will not meet individually with Martin Lee, the leader of pro-democracy forces in the former colony whose Democratic Party won over 60% of the popular vote in the May 24 elections. China is identified by the CIA as the world's worst proliferator of weapons of mass destruction technology, proliferation activity that has contributed directly to the spiraling arms race between India and Pakistan. Yet the Administration rewards China with a nuclear cooperation agreement that will send America's best reactor technology to China. China repeatedly breaks commitments to open its market to U.S. businesses, yet the President renews MFN year after year.

This Administration apparently will overlook any offense to our nation's principles and security to continue the bankrupt policy of engaging communist China. China points nuclear missiles at the U.S., and PLA officers describe the United States as China's ''international archenemy.'' Yet the Administration allows advanced satellite and missile technology to be sent to China which a Pentagon memo says harmed U.S. national security.

China's actions, and this Administration's response to those actions, has set the U.S.-China relationship on a gravely dangerous course. It is time for a fundamental reevaluation of U.S. China policy. This resolution will provide a good start. This resolution outlines the areas of concern in our policy toward China, from human rights to national security to trade matters. In contrast to how U.S.-China relations have been administered for the last six years, a sound relationship between our two countries must be based on integrity, responsibility, and mutual respect.

China's behavior across the board has not given any basis for this Administration to pursue a ''strategic partnership'' with Beijing. Appeasement will not bring peace. This Administration obviously did not learn the lessons of the Cold War. China is an aggressive power that seeks regional hegemony. Extending MFN trade status in exchange for a $50 billion trade deficit, sending China our best nuclear reactor technology in exchange for Chinese weapons proliferation, and beginning the summit at Tiananmen Square when China continues to imprison its people is not the kind of policy that will bring mutual respect and peace in East Asia.

I call on the President to delay his trip to China until questions surrounding satellite technology transfer have been answered and U.S. China policy has been formulated more effectively to protect American interests. Senator HUTCHINSON is joining me as a cosponsor of this resolution, and I appreciate his tremendous work in this area. This resolution is designed to send a signal to the Chinese government and the victims of its repression that there are limits to the tolerance of China's appalling human rights record, continuing trade obstructionism, and destabilizing proliferation.●

SENATE RESOLUTION 243—CONGRATULATING THE UNVIERSITY OF NEVADA-LAS VEGAS MEN'S GOLF TEAM ON WINNING THE TEAM'S FIRST NATIONAL COLLEGIATE ATHLETIC ASSOCIATION CHAMPIONSHIP

Mr. BRYAN (for himself and Mr. REID) submitted the following resolution; which was considered and agreed to:

S. RES. 243

Whereas the University of Nevada Las Vegas Rebels men's golf team shot four rounds of golf at a total of 1118 strokes for a total of 34 under par, to beat the second place Clemson Tigers by three strokes;

Whereas this score of 34 under par set a tournament record by 11 strokes;

Whereas Chris Berry shot a total of 272 strokes for 16 under par to finish second in individual competition, to help ensure the championship for the Rebels;

Whereas the University of Nevada Las Vegas men's collegiate golf team has displayed outstanding dedication, teamwork, and sportsmanship throughout the course of the season in achieving collegiate golf's highest honor; and

Whereas the Rebels have brought pride and honor to the State of Nevada: Now, therefore, be it

Resolved, That the Senate—

(1) commends the University of Nevada Las Vegas for winning the 1998 National Collegiate Athletic Association Division I men's collegiate national golf championship;

(2) commends Chris Berry, for his second place individual finish at the National Collegiate Athletic Association golf championship;

(3) recognizes the achievements of all the players, coaches, and staff who were instrumental in helping the University of Nevada Las Vegas win the 1998 National Collegiate Athletic Association Division I men's collegiate national golf championship and invites them to the Capitol to be honored in an appropriate manner to be determined;

(4) requests that the President recognize the accomplishments and achievements of the 1998 University of Nevada Las Vegas Rebels golf team and invite the team to Washington, D.C. for the traditional White House ceremony held for national championship teams; and

(5) directs the Secretary of the Senate to make available enrolled copies of this resolution to the University of Nevada Las Vegas for appropriate display and to transmit an enrolled copy to each member of the 1998 University of Nevada Las Vegas National Collegiate Athletic Association Division I men's collegiate national championship golf team.

Mr. BRYAN. Mr. President, I am proud to take the floor today to commend and congratulate the University of Nevada-Las Vegas men's golf team on winning the team's first National Collegiate Athletic Association championship. This remarkable team of student-athletes acquitted themselves with great distinction this past week as they achieved this singular honor for themselves, for the community, and for the State of Nevada.

This accomplishment is further embellished by the fact the team shot 4 rounds of golf 34 under par, which set a tournament record by 11 strokes.

Chris Berry, one of the team members, shot a total of 272 for 16 under par, to finish second in the individual competition. What makes Chris' success even all the more noteworthy is that Chris had been involved in tournament play previous years where he had the misfortune of finishing at the other end and he, through determination and hard work, achieved this remarkable athletic achievement.

Congratulations should also go to the rest of his teammates, Bill Lunde, Charley Hoffman, Jeremy Anderson and Scott Lander. Bill Lunde and Jeremy Anderson made the All American college golf team. This golf team has had the goof fortune of being under the direction of an extraordinarily gifted coach as well. Dwaine Knight has placed the university's golf program on the national map. They have, in recent years, been top competitors, but not until this year did they achieve the ultimate, and that is the collegiate championship. Coach Knight is ably assisted by Assistant Coach Casey Whalen.

This year, under their coaching staff, the Rebels have won seven tournaments. The only other sports team in UNLV's history to attain national collegiate championship was in 1990, when the men's basketball program was so honored in the Final Four, in Denver, CO.

UNLV completed its season No. 1 in the polls, and I have encouraged the President to invite this extraordinarily able student athletic team to come to the White House and be appropriately recognized. The President himself is a golfer of note and distinction, and I am sure these fine young men are going to be able to offer a few tips the President might take advantage of to improve his own golf game.

AMENDMENTS SUBMITTED

THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1999

THURMOND AMENDMENTS NOS. 2447–2449

(Ordered to lie on the table.)

Mr. THURMOND submitted three amendments intended to be proposed by him to the bill (S. 2057) to authorize appropriations for the fiscal year 1999 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

AMENDMENT NO. 2447

On page 64, strike out lines 7 through 23, and insert in lieu thereof the following:

(3) The waiver authority under paragraph (1) does not apply to the limitation in subsection (d) or the limitation in section 2208(*l*)(3) of title 10, United States Code (as added by subsection (e)).

(d) FISCAL YEAR 1999 LIMITATION ON ADVANCE BILLINGS.—(1) The total amount of the advance billings rendered or imposed for the working-capital funds of the Department of Defense and the Defense Business Operations Fund in fiscal year 1999—

(A) for the Department of the Navy, may not exceed $500,000,000; and

(B) for the Department of the Air Force, may not exceed $500,000,000.

(2) In paragraph (1), the term ''advance billing'' has the meaning given such term in section 2208(*l*) of title 10, United States Code.

(e) PERMANENT LIMITATION ON ADVANCE BILLINGS.—(1) Section 2208(*l*) of title 10, United States Code, is amended—

(A) by redesignating paragraph (3) as paragraph (4); and

(B) by inserting after paragraph (2) the following new paragraph (3):

''(3) The total amount of the advance billings rendered or imposed for all working-capital funds of the Department of Defense in a fiscal year may not exceed $1,000,000,000.''.

(2) Section 2208(*l*)(3) of such title, as added by paragraph (1), applies to fiscal years after fiscal year 1999.

AMENDMENT NO. 2448

Beginning on page 400, strike out line 11 and all that follows through page 401, line 12, and insert in lieu thereof the following:

year 1999, $150,000,000 by the end of fiscal year 2000, $200,000,000 by the end of fiscal year 2001, and $250,000,000 by the end of fiscal year 2002.

(b) LIMITATION ON DISPOSAL QUANTITY.—The total quantities of materials authorized for disposal by the President under subsection (a) may not exceed the amounts set forth in the following table:

Authorized Stockpile Disposals

Material for disposal	Quantity
Chromium Metal—EL	8,511 short tons
Columbium Carbide Powder	21,372 pounds contained
Columbium Ferro High Carbon	249,395 pounds contained
Columbium Concentrates	1,733,454 pounds contained
Chromium Ferroalloy	92,000 short tons
Diamond, Stones	3,000,000 carats
Germanium Metal	28,198 kilograms
Indium	14,248 troy ounces
Palladium	1,227,831 troy ounces
Platinum	439,887 troy ounces
Tantalum Carbide Powder	22,681 pounds contained
Tantalum Metal Powder	50,000 pounds contained
Tantalum Minerals	1,751,364 pounds contained
Tantalum Oxide	122,730 pounds contained
Tungsten Ferro	2,024,143 pounds
Tungsten Carbide Powder	2,024,143 pounds
Tungsten Metal Powder	1,898,009 pounds
Tungsten Ores & Concentrates	76,358,230 pounds.

(c) MINIMIZATION OF DISRUPTION AND LOSS.—The President may not dispose of materials under subsection (a) to the extent that the disposal will result in—

(1) undue disruption of the usual markets of producers, processors, and consumers of the materials proposed for disposal; or

(2) avoidable loss to the United States.

(d) RELATIONSHIP TO OTHER DISPOSAL AUTHORITY.—The disposal authority provided in subsection (a) is new disposal authority and is in addition to, and shall not affect, any other disposal authority provided by law regarding the materials specified in such subsection.

(e) AUTHORIZATION OF SALE.—The authority provided by this section to dispose of materials contained in the National Defense Stockpile so as to result in receipts specified in subsection (a) by the end of fiscal year 1999 shall be effective only to the extent provided in advance in appropriation Acts.

AMENDMENT NO. 2449

Strike section 1013 of the bill and insert the following:

SEC. 1013. TRANSFERS OF CERTAIN NAVAL VESSELS TO CERTAIN FOREIGN COUNTRIES.

(a) AUTHORITY.—

(1) ARGENTINA.—The Secretary of the Navy is authorized to transfer to the Government of Argentina on a grant basis the tank landing ship Newport (LST 1179).

(2) BRAZIL.—The Secretary of the Navy is authorized to transfer vessels to the Government of Brazil as follows:

(A) On a sale basis, the Newport class tank landing ships Cayuga (LST 1186) and Peoria (LST 1183).

(B) On a combined lease-sale basis, the Cimarron class oiler Merrimack (AO 179).

(3) CHILE.—The Secretary of the Navy is authorized to transfer vessels to the Government of Chile on a sale basis as follows:

(A) The Newport class tank landing ship San Bernardino (LST 1189).

(B) The auxiliary repair dry dock Waterford (ARD 5).

(4) GREECE.—The Secretary of the Navy is authorized to transfer vessels to the Government of Greece as follows:

(A) On a sale basis, the following vessels:

(i) The Oak Ridge class medium dry dock Alamogordo (ARDM 2).

(ii) The Knox class frigates Vreeland (FF 1068) and Trippe (FF 1075).

(B) On a combined lease-sale basis, the Kidd class guided missile destroyers Kidd (DDG 993), Callaghan (DDG 994), Scott (DDG 995) and Chandler (DDG 996).

(C) On a grant basis, the following vessels:

(i) The Knox class frigate Hepburn (FF 1055).

(ii) The Adams class guided missile destroyers Strauss (DDG 16), Semmes (DDG 18), and Waddell (DDG 24).

(5) MEXICO.—The Secretary of the Navy is authorized to transfer to the Government of Mexico on a sale basis the auxiliary repair dry dock San Onofre (ARD 30) and the Knox class frigate Pharris (FF 1094).

(6) PHILIPPINES.—The Secretary of the Navy is authorized to transfer to the Government of the Philippines on a sale basis the Stalwart class ocean surveillance ship Triumph (T-AGOS 4).

(7) PORTUGAL.—The Secretary of the Navy is authorized to transfer to the Government of Portugal on a grant basis the Stalwart class ocean surveillance ship Assurance (T-AGOS 5).

(8) SPAIN.—The Secretary of the Navy is authorized to transfer to the Government of Spain on a sale basis the Newport class tank landing ships Harlan County (LST 1196) and Barnstable County (LST 1197).

(9) TAIWAN.—The Secretary of the Navy is authorized to transfer vessels to the Taipei Economic and Cultural Representative Office in the United States (which is the Taiwan instrumentality designated pursuant to section 10(a) of the Taiwan Relations Act) on a sale basis as follows:

(A) The Knox class frigates Peary (FF 1073), Joseph Hewes (FF 1078), Cook (FF 1083), Brewton (FF 1086), Kirk (FF 1087) and Barbey (FF 1088).

(B) The Newport class tank landing ships Manitowoc (LST 1180) and Sumter (LST 1181).

(C) The floating dry dock Competent (AFDM 6).

(D) The Anchorage class dock landing ship Pensacola (LSD 38).

(10) TURKEY.—The Secretary of the Navy is authorized to transfer vessels to the Government of Turkey as follows:

(A) On a sale basis, the following vessels:

(i) The Oliver Hazard Perry class guided missile frigates Mahlon S. Tisdale (FFG 27), Reid (FFG 30) and Duncan (FFG 10).

(ii) The Knox class frigates Reasoner (FF 1063), Fanning (FF 1076), Bowen (FF 1079), McCandless (FF 1084), Donald Beary (FF 1085), Ainsworth (FF 1090), Thomas C. Hart (FF 1092), and Capodanno (FF 1093).

(B) On a grant basis, the Knox class frigates Paul (FF 1080), Miller (FF 1091), W.S. Simms (FF 1059).

(11) VENEZUELA.—The Secretary of the Navy is authorized to transfer to the Government of Venezuela on a sale basis the unnamed medium auxiliary floating dry dock AFDM 2.

(b) BASES OF TRANSFER.—

(1) GRANT.—A transfer of a naval vessel authorized to be made on a grant basis under subsection (a) shall be made under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j).

(2) SALE.—A transfer of a naval vessel authorized to be made on a sale basis under subsection (a) shall be made under section 21 of the Arms Export Control Act (22 U.S.C. 2761).

(3) COMBINED LEASE-SALE.—(A) A transfer of a naval vessel authorized to be made on a combined lease-sale basis under subsection (a) shall be made under sections 61 and 21 of the Arms Export Control Act (22 U.S.C. 2796 and 2761, respectively) in accordance with this paragraph.

(B) For each naval vessel authorized by subsection (a) for transfer on a lease-sale basis, the Secretary of the Navy is authorized to transfer the vessel under the terms of a lease, with lease payments suspended for the term of the lease, if the country entering into the lease of the vessel simultaneously enters into a foreign military sales agreement for the transfer of title to the leased vessel. Delivery of title to the purchasing country shall not be made until the purchase price of the vessel has been paid in full. Upon delivery of title to the purchasing country, the lease shall terminate.

(C) If the purchasing country fails to make full payment of the purchase price by the date required under the sales agreement, the sales agreement shall be immediately terminated, the suspension of lease payments under the lease shall be vacated, and the United States shall retain all funds received on or before the date of the termination under the sales agreement, up to the amount of the lease payments due and payable under the lease and all other costs required by the lease to be paid to that date. No interest shall be payable to the recipient by the United States on any amounts that are paid to the United States by the recipient under the sales agreement and are not retained by the United States under the lease.

(c) REQUIREMENT FOR PROVISION IN ADVANCE IN AN APPROPRIATIONS ACT.—Authority to transfer vessels on a sale or combined lease-sale basis under subsection (a) shall be effective only to the extent that authority to effectuate such transfers, together with appropriations to cover the associated cost (as defined in section 502 of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 661a)), are provided in advance in an appropriations Act.

(d) NOTIFICATION OF CONGRESS.—Not later than 30 days after the date of the enactment of this Act, the Secretary of the Navy shall submit to Congress, for each naval vessel that is to be transferred under this section before January 1, 1999, the notifications required under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j) and section 525 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1998 (Public Law 105–118; 111 Stat. 2413).

(e) GRANTS NOT COUNTED IN ANNUAL TOTAL OF TRANSFERRED EXCESS DEFENSE ARTICLES.—The value of the naval vessels authorized by subsection (a) to be transferred on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j) shall not be counted for the purposes of that section in the aggregate value of excess defense articles transferred to countries under that section in any fiscal year.

(f) COSTS OF TRANSFERS.—Any expense of the United States in connection with a transfer authorized by subsection (a) shall be charged to the recipient (notwithstanding section 516(e)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(e)(1)) in the case of a transfer authorized to be made on a grant basis under subsection (a)).

(g) REPAIR AND REFURBISHMENT IN UNITED STATES SHIPYARDS.—The Secretary of the Navy shall require, as a condition of the transfer of a vessel under this section, that the country to which the vessel is transferred have such repair or refurbishment of the vessel as is needed, before the vessel joins the naval forces of that country, performed at a shipyard located in the United States, including a United States Navy shipyard.

(h) EXPIRATION OF AUTHORITY.—The authority to transfer a vessel under subsection (a) shall expire at the end of the two-year period beginning on the date of the enactment of this Act.

HUTCHINSON AMENDMENT NO. 2450

(Ordered to lie on the table.)

Mr. HUTCHINSON submitted an amendment intended to be proposed by him to the bill S. 2057, supra; as follows:

On page 268, between lines 8 and 9, insert the following:

SEC. 1064. CLARIFICATION OF CIRCUMSTANCES FOR WAIVER OF SUSPENSION OF PROGRAMS AND ACTIVITIES REGARDING THE PEOPLE'S REPUBLIC OF CHINA.

Section 902 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (22 U.S.C. 2151 note) is amended—

(1) in subsection (b)(2), by striking out ''in the national interest'' and inserting in lieu thereof ''in the vital national security interest''; and

(2) by adding at the end the following:

''(d) JUSTIFICATION OF CERTAIN WAIVERS.—The President shall submit to Congress a detailed justification of each exercise of the authority under subsection (b)(2). Each justification shall be sumitted in unclassified form, but may include a classified annex.''.

NATIONAL TOBACCO POLICY AND YOUTH SMOKING REDUCTION ACT

LOTT (AND OTHERS) AMENDMENT NO. 2451

Mr. LOTT (for himself, Mr. COVERDELL, Mr. CRAIG, Mr. ABRAHAM, Mr. FAIRCLOTH, Mr. INHOFE, Mr. SESSIONS, and Mr. GRASSLEY) proposed an amendment to the bill (S. 1415) to reform and restructure the processes by which tobacco products are manufactured, marketed, and distributed, to prevent the use of tobacco products by minors, to redress the adverse health effects of tobacco use, and for other purposes; as follows:

Strike all after the word ''subtitle'' and insert the following:

TITLE ___—DRUG-FREE NEIGHBORHOODS

SEC. ___01. SHORT TITLE.

This title may be cited as the ''Drug-Free Neighborhoods Act''.

Subtitle A—Stopping the Flow of Drugs at Our Borders

CHAPTER 1—INCREASED RESOURCES FOR INTERDICTION

SEC. ___11. INCREASED RESOURCES FOR INTERDICTION.

(a) CUSTOMS.—In addition to other amounts appropriated for the United States Customs Service for a fiscal year, there is authorized to be appropriated from the Trust Fund under section 401, $500,000,000 for each of the fiscal years 1999 through 2003 to be used to monitor border ports of entry to stop the flow of illegal drugs into the United States.

(b) COAST GUARD.—In addition to other amounts appropriated for the United States Coast Guard for a fiscal year, there is authorized to be appropriated from the Trust Fund under section 401, $400,000,000 for each of the fiscal years 1999 through 2003 to be used to expand activities to stop the flow of illegal drugs into the United States.

(c) DEPARTMENT OF DEFENSE.—In addition to other amounts appropriated for the Department of Defense for a fiscal year, there is authorized to be appropriated from the Trust Fund under section 401, $470,000,000 for each of the fiscal years 1999 through 2003 to be used to expand activities to stop the flow of illegal drugs into the United States.

CHAPTER 2—DRUG-FREE BORDERS

SEC. ___15. SHORT TITLE.

This chapter may be cited as the ''Drug-Free Borders Act of 1998''.

SEC. ___16. FELONY PUNISHMENT FOR VIOLENCE COMMITTED ALONG THE UNITED STATES BORDER.

(a) IN GENERAL.—Chapter 27 of title 18, United States Code, is amended by adding at the end the following:

''§ 554. Violence while eluding inspection or during violation of arrival, reporting, entry, or clearance requirements

''(a) IN GENERAL.—Whoever attempts to commit or commits a crime of violence during and in relation to—

''(1) attempting to elude or eluding customs, immigration, or agriculture inspection or failing to stop at the command of an officer of customs, immigration, or animal and plant and health inspection services; or

''(2) an intentional violation of arrival, reporting, entry, or clearance requirements, as set forth in a provision of law listed in subsection (c);

shall be fined under this title or imprisoned for not more than 5 years, or both, except that if bodily injury (as defined in section 1365(g) of this title) results, the maximum term of imprisonment is 10 years, and if death results, the offender may imprisoned for any term of years or for life, and may be sentenced to death.

''(b) CONSPIRACY.—If 2 or more persons conspire to commit an offense under subsection (a), and 1 or more of such persons do any act to effect the object of the conspiracy, each shall be punishable as a principal, except that the sentence of death may not be imposed.

''(c) PROVISIONS OF LAW.—The provisions of law referred to in subsection (a) are—

''(1) section 107 of the Federal Plant Pest Act (7 U.S.C. 150ff));

''(2) section 7 of the Federal Noxious Weed Act of 1974 (7 U.S.C. 2806);

''(3) section 431, 433, 434, or 459 of the Tariff Act of 1930 (19 U.S.C. 1431, 1433, 1434, 1459);

''(4) section 6 of the Act of August 30, 1890 (21 U.S.C. 105; Chapter 839, 26 Stat. 416);

''(5) section 2 of the Act of February 2, 1903 (21 U.S.C. 111; Chapter 349, 32 Stat. 791)

''(6) section 231, 232, 234, 235, 236, 237, or 238 of the Immigration and Nationality Act (8 U.S.C. 1221, 1222, 1224, 1225, 1226, 1227, 1228);

''(7) section 4197 of the Revised Statutes of the United States (46 U.S.C. App. 91); or

''(8) section 111 of title 21, United States Code.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 27 of title 18, United States Code, is amended by inserting at the end the following:

''554. Violence while eluding inspection or during violation of arrival, reporting, entry, or clearance requirements.''.

SEC. ___17. INCREASED PENALTY FOR FALSE STATEMENT OFFENSE.

Section 542 of title 18, United States Code, is amended by striking ''two years'' and inserting ''5 years''.

SEC. ___18. SANCTIONS FOR FAILURE TO LAND OR HEAVE TO, OBSTRUCTING A LAWFUL BOARDING, AND PROVIDING FALSE INFORMATION.

(a) IN GENERAL.—Chapter 109 of title 18, United States Code, is amended by adding at the end the following:

''§ 2237. Sanctions for failure to heave to; sanctions for obstruction of boarding and providing false information

''(a) FAILURE TO HEAVE TO.—

''(1) IN GENERAL.—It shall be unlawful for the master, operator, or person in charge of a vessel of the United States or a vessel subject to the jurisdiction of the United States, to fail to obey an order to heave to that vessel on being ordered to do so by an authorized Federal law enforcement officer.

''(2) OBSTRUCTION.—It shall be unlawful for any person on board a vessel of the United States or a vessel subject to the jurisdiction of the United States knowingly or willfully to—

''(A) fail to comply with an order of an authorized Federal law enforcement officer in connection with the boarding of the vessel;

''(B) impede or obstruct a boarding or arrest, or other law enforcement action authorized by any Federal law; or

''(C) provide false information to a Federal law enforcement officer during a boarding of a vessel regarding the vessel's destination, origin, ownership, registration, nationality, cargo, or crew.

''(3) AIRCRAFT.—

''(A) IN GENERAL.—It shall be unlawful for the pilot, operator, or person in charge of an aircraft which has crossed the border of the United States, or an aircraft subject to the jurisdiction of the United States operating outside the United States, to fail to obey an order to land by an authorized Federal law enforcement officer who is enforcing the laws of the United States relating to controlled substances, as that term is defined in section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)), or relating to money laundering (sections 1956–57 of this title).

''(B) REGULATIONS.—The Administrator of the Federal Aviation Administration, in consultation with the Commissioner of Customs and the Attorney General, shall prescribe regulations governing the means by, and circumstances under which a Federal law enforcement officer may communicate an order to land to a pilot, operator, or person in charge of an aircraft. Such regulations shall ensure that any such order is clearly communicated in accordance with applicable international standards. Further, such regulations shall establish guidelines based on observed conduct, prior information, or other circumstances for determining when an officer may use the authority granted under subparagraph (A).

''(b) NO LIMITATION OF EXISTING AUTHORITY.—This section does not limit in any way the preexisting authority of a customs officer under section 581 of the Tariff Act of 1930 or any other provision of law enforced or administered by the Customs Service, or the preexisting authority of any Federal law enforcement officer under any law of the United States to order an aircraft to land or a vessel to heave to.

''(c) FOREIGN NATIONS.—A foreign nation may consent or waive objection to the enforcement of United States law by the United States under this section by international agreement or, on a case-by-case basis, by radio, telephone, or similar oral or electronic means. Consent or waiver may be proven by certification of the Secretary of State or the Secretary's designee.

''(d) DEFINITIONS.—In this section:

''(1) FEDERAL LAW ENFORCEMENT OFFICER.—The term 'Federal law enforcement officer' has the meaning set forth in section 115 of this title.

''(2) HEAVE TO.—The term 'heave to' means to cause a vessel to slow or come to a stop to facilitate a law enforcement boarding by adjusting the course and speed of the vessel to account for the weather conditions and sea state.

''(3) SUBJECT TO THE JURISDICTION OF THE UNITED STATES.—An aircraft 'subject to the jurisdiction of the United States' includes—

''(A) an aircraft located over the United States or the customs waters of the United States;

''(B) an aircraft located in the airspace of a foreign nation, where that nation consents to the enforcement of United States law by the United States; and

''(C) over the high seas, an aircraft without nationality, an aircraft of United States registry, or an aircraft registered in a foreign nation that has consented or waived objection to the enforcement of United States law by the United States.

''(4) VESSEL.—The terms 'vessel of the United States' and 'vessel subject to the jurisdiction of the United States' have the meanings set forth for these terms, respectively, in the Maritime Drug Law Enforcement Act (46 App. U.S.C. 1903).

''(5) WITHOUT NATIONALITY.—An aircraft 'without nationality' includes—

''(A) an aircraft aboard which the pilot, operator, or person in charge makes a claim of registry, which claim is denied by the nation whose registry is claimed; and

''(B) an aircraft aboard which the pilot, operator, or person in charge fails, upon request of an officer of the United States empowered to enforce applicable provisions of United States law, to make a claim of registry for that aircraft.

''(e) FINES OR IMPRISONMENT.—Whoever intentionally violates this section shall be fined under this title or imprisoned for not more than 5 years, or both.

''(f) SEIZURE AND FORFEITURE.—A aircraft or vessel that is used in violation of this section may be seized and forfeited to the United States. The laws relating to the seizure, summary and judicial forfeiture, and condemnation of property for violation of the customs laws, the disposition of such property or the proceeds from the sale thereof, the remission or mitigation of such forfeitures, and the compromise of claims, shall apply to seizures and forfeitures undertaken, or alleged to have been undertaken, under any of the provisions of this section; except that such duties as are imposed upon the customs officer or any other person with respect to the seizure and forfeiture of property under the customs laws shall be performed with respect to seizures and forfeitures of property under this section by such officers, agents, or other persons as may be authorized or designated for that purpose. An aircraft or vessel that is used in violation of this section is also liable in rem for any fine imposed under this section.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 109 of

title 18, United States Code, is amended by adding at the end the following:

''2237. Sanctions for failure to heave to; sanctions for obstruction of boarding or providing false information.''.

SEC. ___19. CIVIL PENALTIES TO SUPPORT MARITIME LAW ENFORCEMENT.

(a) IN GENERAL.—Chapter 17 of title 14, United States Code, is amended by adding at the end the following:

''§ 676. Civil penalty for failure to comply with vessel boarding

''(a) IN GENERAL.—Any person that engages in conduct that violates section 2237(a)(1) or (2) of title 18, United States Code, shall be liable to the United States Government—

''(1) for a civil penalty of not more than $25,000, in the case of an intentional violation; or

''(2) for a civil penalty of not more than $15,000, in the case of any other violation.

''(b) SEIZURE OR FORFEITURE.—A vessel used to engage in conduct for which a penalty is imposed under subsection (a) is liable in rem for that penalty and may be seized, forfeited, and sold in accordance with customs laws.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 17 of title 14, United States Code, is amended by adding at the end the following new item:

''676. Civil penalty for failure to comply with vessel boarding.''.

SEC. ___20. INCREASED NUMBER OF BORDER PATROL AGENTS.

Section 101(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104–208; 110 Stat. 3009–553) is amended to read as follows:

''(a) INCREASED NUMBER OF BORDER PATROL AGENTS.—The Attorney General in each of fiscal years 1999, 2000, 2001, 2002, and 2003 shall increase by not less than 1,500 the number of positions for full-time, active-duty border patrol agents within the Immigration and Naturalization Service above the number of such positions for which funds were allotted for the preceding fiscal year, to achieve a level of 15,000 positions by fiscal year 2003.''.

SEC. ___21. BORDER PATROL PURSUIT POLICY.

A border patrol agent of the United States Border Patrol may not cease pursuit of an alien who the agent suspects has unlawfully entered the United States, or an individual who the agent suspects has unlawfully imported a narcotic into the United States, until State or local law enforcement authorities are in pursuit of the alien or individual and have the alien or individual in their visual range.

SEC. ___22. AUTHORIZATION FOR BORDER PATROL TO INTERDICT THE IMPORTATION OF NARCOTICS.

The United States Border Patrol within the Department of Justice shall have as one of its functions the prevention of unlawful importation of narcotics into the United States and confiscation of such narcotics. The Attorney General shall ensure that this function is assigned a priority at least as high as is assigned to the Border Patrol's function of preventing the unlawful entry into the United States of aliens.

SEC. ___23. ROTATION OF DUTY STATIONS AND TEMPORARY DUTY ASSIGNMENTS OF OFFICERS OF THE UNITED STATES CUSTOMS SERVICE.

Section 5 of the Act of February 13, 1911 (19 U.S.C. 267) is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following:

''(f) ROTATION OF DUTY STATIONS AND TEMPORARY DUTY ASSIGNMENTS OF CUSTOMS OFFICERS.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, bargaining agreement, or Executive order, beginning October 1, 1998, in order to ensure the integrity of the United States Customs Service, the Secretary of the Treasury—

''(A) may transfer up to 5 percent of the customs officers employed as of the beginning of each fiscal year to new duty stations in that fiscal year on a permanent basis; and

''(B) may transfer customs officers to temporary duty assignments for not more than 90 days.

''(2) VOLUNTARY AND OTHER TRANSFERS.—A transfer of a customs officer to a new duty station or a temporary duty assignment under paragraph (1) is in addition to any voluntary transfer or transfer for other reasons.

''(3) RULE OF CONSTRUCTION.—The requirements of this subsection, including any regulations established by the Secretary to carry out this subsection, are not subject to collective bargaining.

''(4) AVAILABILITY OF AMOUNTS.—Of the amounts made available for fiscal years 1999 and 2000 under subparagraphs (A) and (B) of section 301(b)(1) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(1)(A) and (B)), $25,000,000 for each such fiscal year shall be available to carry out this subsection.''.

SEC. ___24. EFFECT OF COLLECTIVE BARGAINING AGREEMENTS ON ABILITY OF UNITED STATES CUSTOMS SERVICE TO INTERDICT CONTRABAND.

Section 5 of the Act of February 13, 1911 (19 U.S.C. 267), as amended by this Act, is further amended—

(1) by redesignating subsection (g) as subsection (h); and

(2) by inserting after subsection (f) the following:

''(g) EFFECT OF COLLECTIVE BARGAINING AGREEMENTS ON ABILITY OF CUSTOMS SERVICE TO INTERDICT CONTRABAND.—

''(1) SENSE OF THE CONGRESS.—It is the sense of the Congress that collective bargaining agreements should not have any adverse impact on the ability of the United States Customs Service to interdict contraband, including controlled substances.

''(2) PROVISIONS CAUSING ADVERSE IMPACT TO INTERDICT CONTRABAND.—

''(A) REQUIREMENT TO MEET.—If the Commissioner of the Customs Service determines that any collective bargaining agreement with the recognized bargaining representative of its employees has an adverse impact upon the interdiction of contraband, including controlled substances, the parties shall meet to eliminate the provision causing the adverse impact from the agreement.

''(B) FAILURE TO REACH AGREEMENT.—If the parties do not reach agreement within 90 days of the date of the Customs Service determination of adverse impact, the negotiations shall be considered at impasse and the Customs Service may immediately implement its last offer. Such implementation shall not result in an unfair labor practice or, except as may be provided under the following sentence, the imposition of any status quo ante remedy against the Customs Service. Either party may then pursue the impasse to the Federal Service Impasses Panel pursuant to section 7119(c) of title 5, United States Code, for ultimate resolution.

''(C) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed to limit the authority of the Customs Service to implement immediately any proposed changes without waiting 90 days, if exigent circumstances warrant such immediate implementation, or if an impasse is reached in less than 90 days.''.

Subtitle B—Protecting Our Neighborhoods and Schools from Drugs

CHAPTER 1—DRUG-FREE TEEN DRIVERS

SEC. ___25. SHORT TITLE.

This subtitle may be cited as the ''Drug Free Teenage Drivers Act''.

SEC. ___26. DEMONSTRATION PROGRAM.

The National Highway Traffic Safety Administration shall establish a demonstration program in several States to provide voluntary drug testing for all teenager applicants (or other first time applicants for a driver's license regardless of age) for a driver's license. Information respecting an applicant's choice not to take the drug test or the result of the drug test on the applicant shall be made available to the applicant's automobile insurance company. If an applicant tests positive in the drug test, the State in which the program is established will not issue a license to the applicant and will require the applicant to complete a State drug treatment program and to not test positive in a drug test before reapplying for a license.

SEC. ___27. INCENTIVE GRANT PROGRAM.

(a) IN GENERAL.—The Secretary of Transportation shall establish an incentive grant program for States to assist the States in improving their laws relating to controlled substances and driving.

(b) GRANT REQUIREMENTS.—To qualify for a grant under subsection (a) a State shall carry out the following:

(1) Enact, actively enforce, and publicize a law which makes it illegal to drive in the State with any measurable amount of an illegal controlled substance in the driver's body. An illegal controlled substance is a controlled substance for which an individual does not have a legal written prescription. An individual who is convicted of such illegal driving shall be referred to appropriate services, including intervention, counselling, and treatment.

(2) Enact, actively enforce, and publicize a law which makes it illegal to drive in the State when driving is impaired by the presence of any drug. The State shall provide that in the enforcement of such law, a driver shall be tested for the presence of a drug when there is evidence of impaired driving and a driver will have the driver's license suspended. An individual who is convicted of such illegal driving shall be referred to appropriate services, including intervention, counselling, and treatment.

(3) Enact, actively enforce, and publicize a law which authorizes the suspension of a driver's license if the driver is convicted of any criminal offense relating to drugs.

(4) Enact a law which provides that beginning driver applicants and other individuals applying for or renewing a driver's license will be provided information about the laws referred to in paragraphs (1), (2), and (3) and will be required to answer drug-related questions on their applications.

(c) USE.—A State may only use a grant under subsection (a) to implement and enforce the programs described in subsection (b).

SEC. ___28. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated from amounts made available from the Trust Fund under section 401, $10,000,000 for each of the fiscal years 1999 through 2003 to carry out this chapter.

CHAPTER 2—DRUG-FREE SCHOOLS

SEC. ___31. FINDINGS.

Congress finds that—

(1) the continued presence in schools of violent students who are a threat to both teachers and other students is incompatible with a safe learning environment;

(2) unsafe school environments place students who are already at risk of school failure for other reasons in further jeopardy;

(3) recently, over one-fourth of high school students surveyed reported being threatened at school;

(4) 2,000,000 more children are using drugs in 1997 than were doing so a few short years prior to 1997;

(5) nearly 1 out of every 20 students in 6th through 12th grade uses drugs on school grounds;

(6) more of our children are becoming involved with hard drugs at earlier ages, as use of heroin and cocaine by 8th graders has more than doubled since 1991; and

(7) greater cooperation between schools, parents, law enforcement, the courts, and the community is essential to making our schools safe from drugs and violence.

Subchapter A—Student Safety and Family Choice

SEC. ___31A. STUDENT SAFETY AND FAMILY SCHOOL CHOICE.

(a) IN GENERAL.—Subpart 1 of part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) is amended by inserting after section 1115A of such Act (20 U.S.C. 6316) the following:

"SEC. 1115B. STUDENT SAFETY AND FAMILY SCHOOL CHOICE.

''(a) IN GENERAL.—Notwithstanding any other provision of law, if a student is eligible to be served under section 1115(b), or attends a school eligible for a schoolwide program under section 1114, and becomes a victim of a violent criminal offense, including drug-related violence, while in or on the grounds of a public elementary school or secondary school that the student attends and that receives assistance under this part, then the local educational agency may use funds provided under this part or under any other Federal education program to pay the supplementary costs for such student to attend another school. The agency may use the funds to pay for the supplementary costs of such student to attend any other public or private elementary school or secondary school, including a religious school, in the same State as the school where the criminal offense occurred, that is selected by the student's parent. The State educational agency shall determine what actions constitute a violent criminal offense for purposes of this section.

''(b) SUPPLEMENTARY COSTS.—The supplementary costs referred to in subsection (a) shall not exceed—

''(1) in the case of a student for whom funds under this section are used to enable the student to attend a public elementary school or secondary school served by a local educational agency that also serves the school where the violent criminal offense occurred, the costs of supplementary educational services and activities described in section 1114(b) or 1115(c) that are provided to the student;

''(2) in the case of a student for whom funds under this section are used to enable the student to attend a public elementary school or secondary school served by a local educational agency that does not serve the school where the violent criminal offense occurred but is located in the same State—

''(A) the costs of supplementary educational services and activities described in section 1114(b) or 1115(c) that are provided to the student; and

''(B) the reasonable costs of transportation for the student to attend the school selected by the student's parent; and

''(3) in the case of a student for whom funds under this section are used to enable the student to attend a private elementary school or secondary school, including a religious school, the costs of tuition, required fees, and the reasonable costs of such transportation.

''(c) CONSTRUCTION.—Nothing in this Act or any other Federal law shall be construed to prevent a parent assisted under this section from selecting the public or private, including religious, elementary school or secondary school that a child of the parent will attend within the State.

''(d) CONSIDERATION OF ASSISTANCE.—Subject to subsection (h), assistance made available under this section that is used to pay the costs for a student to attend a private or religious school shall not be considered to be Federal aid to the school, and the Federal Government shall have no authority to influence or regulate the operations of a private or religious school as a result of assistance received under this section.

''(e) CONTINUING ELIGIBILITY.—A student assisted under this section shall remain eligible to continue receiving assistance under this section for at least 3 academic years without regard to whether the student is eligible for assistance under section 1114 or 1115(b).

''(f) TUITION CHARGES.—Assistance under this section may not be used to pay tuition or required fees at a private elementary school or secondary school in an amount that is greater than the tuition and required fees paid by students not assisted under this section at such school.

''(g) SPECIAL RULE.—Any school receiving assistance provided under this section shall comply with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) and not discriminate on the basis of race, color, or national origin.

''(h) ASSISTANCE; TAXES AND OTHER FEDERAL PROGRAMS.—

''(1) ASSISTANCE TO FAMILIES, NOT SCHOOLS.—Assistance provided under this section shall be considered to be aid to families, not schools. Use of such assistance at a school shall not be construed to be Federal financial aid or assistance to that school.

''(2) TAXES AND DETERMINATIONS OF ELIGIBILITY FOR OTHER FEDERAL PROGRAMS.—Assistance provided under this section to a student shall not be considered to be income of the student or the parent of such student for Federal, State, or local tax purposes or for determining eligibility for any other Federal program.

''(i) PART B OF THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.—Nothing in this section shall be construed to affect the requirements of part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.).

''(j) MAXIMUM AMOUNT.—Notwithstanding any other provision of this section, the amount of assistance provided under this part for a student shall not exceed the per pupil expenditure for elementary or secondary education, as appropriate, by the local educational agency that serves the school where the criminal offense occurred for the fiscal year preceding the fiscal year for which the determination is made.''.

SEC. ___31B. TRANSFER OF REVENUES.

(a) IN GENERAL.—Notwithstanding any other provision of Federal law, a State, a State educational agency, or a local educational agency may transfer any non-Federal public funds associated with the education of a student who is a victim of a violent criminal offense while in or on the grounds of a public elementary school or secondary school served by a local educational agency to another local educational agency or to a private elementary school or secondary school, including a religious school.

(b) DEFINITIONS.—For the purpose of subsection (a), the terms ''elementary school'', ''secondary school'', ''local educational agency'', and ''State educational agency'' have the meanings given such terms in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

Subchapter B—Victim and Witness Assistance Programs for Teachers and Students

SEC. ___32. AMENDMENTS TO VICTIMS OF CRIME ACT OF 1984.

(a) VICTIM COMPENSATION.—Section 1403 of the Victims of Crime Act of 1984 (42 U.S.C. 10602) is amended by adding at the end the following:

''(f) VICTIMS OF SCHOOL VIOLENCE.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, an eligible crime victim compensation program may expend funds appropriated under paragraph (2) to offer compensation to elementary and secondary school students or teachers who are victims of elementary and secondary school violence (as school violence is defined under applicable State law).

''(2) FUNDING.—There is authorized to be appropriated from the Trust Fund under section 401, such sums as may be necessary to carry out paragraph (1).''.

(b) VICTIM AND WITNESS ASSISTANCE.—Section 1404(c) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(c)) is amended by adding at the end the following:

''(5) ASSISTANCE FOR VICTIMS OF AND WITNESSES TO SCHOOL VIOLENCE.—Notwithstanding any other provision of law, the Director may make a grant under this section for a demonstration project or for training and technical assistance services to a program that—

''(A) assists State educational agencies and local educational agencies (as the terms are defined in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801)) in developing, establishing, and operating programs that are designed to protect victims of and witnesses to incidents of elementary and secondary school violence (as school violence is defined under applicable State law), including programs designed to protect witnesses testifying in school disciplinary proceedings; or

''(B) supports a student safety toll-free hotline that provides students and teachers in elementary and secondary schools with confidential assistance relating to the issues of school crime, violence, drug dealing, and threats to personal safety.''.

Subchapter C—Innovative Programs to Protect Teachers and Students

SEC. ___35. DEFINITIONS.

In this subchapter:

(1) ELEMENTARY SCHOOL, LOCAL EDUCATIONAL AGENCY, SECONDARY SCHOOL, AND STATE EDUCATIONAL AGENCY.—The terms ''elementary school'', ''local educational agency'', ''secondary school'', and ''State educational agency'' have the meanings given the terms in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Education.

SEC. ___36. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated from the Trust Fund under section 401 such sums as may be necessary to carry out this subchapter.

SEC. ___37. AUTHORIZATION FOR REPORT CARDS ON SCHOOLS.

(a) IN GENERAL.—The Secretary is authorized to award grants to States, State educational agencies, and local educational agencies to develop, establish, or conduct innovative programs to improve unsafe elementary schools or secondary schools.

(b) PRIORITY.—The Secretary shall give priority to awarding grants under subsection (a) to—

(1) programs that provide parent and teacher notification about incidents of physical violence, weapon possession, or drug activity on school grounds as soon after the incident as practicable;

(2) programs that provide to parents and teachers an annual report regarding—

(A) the total number of incidents of physical violence, weapon possession, and drug activity on school grounds;

(B) the percentage of students missing 10 or fewer days of school; and

(C) a comparison, if available, to previous annual reports under this paragraph, which comparison shall not involve a comparison of more than 5 such previous annual reports; and

(3) programs to enhance school security measures that may include—

(A) equipping schools with fences, closed circuit cameras, and other physical security measures;

(B) providing increased police patrols in and around elementary schools and secondary schools, including canine patrols; and

(C) mailings to parents at the beginning of the school year stating that the possession of a gun or other weapon, or the sale of drugs in school, will not be tolerated by school authorities.

SEC. ___38. APPLICATION.

(a) IN GENERAL.—Each State, State educational agency, or local educational agency desiring a grant under this subchapter shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

(b) CONTENTS.—Each application submitted under subsection (a) shall contain an assurance that the State or agency has implemented or will implement policies that—

(1) provide protections for victims and witnesses to school crime, including protections for attendance at school disciplinary proceedings;

(2) expel students who, on school grounds, sell drugs, or who commit a violent offense that causes serious bodily injury of another student or teacher; and

(3) require referral to law enforcement authorities or juvenile authorities of any student who on school grounds—

(A) commits a violent offense resulting in serious bodily injury; or

(B) sells drugs.

(c) SPECIAL RULE.—For purposes of paragraphs (2) and (3) of subsection (b), State law shall determine what constitutes a violent offense or serious bodily injury.

SEC. ___39. INNOVATIVE VOLUNTARY RANDOM DRUG TESTING PROGRAMS.

Section 4116(b) of the Safe and Drug-Free Schools and Communities Act of 1994 (20 U.S.C. 7116(b)) is amended—

(1) in paragraph (9), by striking ''and'' after the semicolon;

(2) by redesignating paragraph (10) as paragraph (11); and

(3) by inserting after paragraph (9) the following:

''(10) innovative voluntary random drug testing programs; and''.

Subchapter D—Parental Consent Drug Testing

SEC. ___40. GRANTS FOR PARENTAL CONSENT DRUG TESTING DEMONSTRATION PROJECTS.

(a) IN GENERAL.—The Administrator is authorized to award grants to States, State educational agencies, and local educational agencies to develop, establish, or conduct programs for testing students for illegal drug use with prior parental consent.

(b) GUIDELINES.—The Administrator may award grants under subsection (a) only to programs that substantially comply with the following guidelines:

(1) Students will only be tested with their parent's consent. If the program also requires the consent of the student, the parent will be informed of any refusal by the student to give consent.

(2) The program may involve random testing or testing of all students within certain grade or age parameters at a participating school. No students under seventh grade or over 12th grade may be tested using funds from grants awarded under this section.

(3) Students who test positive for illegal drugs or whose parents do not consent to the drug testing will not be penalized, except that the privilege of participating in optional courses or extra-curricula activities in which drug impairment might pose a safety risk (such as athletic teams, drivers education, or industrial arts) may be restricted.

(4) The parent of a student who tests positive for illegal drugs shall be notified of the results in a discrete manner by a health care professional, a counselor, or other appropriate person. Parents shall be advised of resources that may be available in the local area to treat drug dependency.

(5) The procedures used in the demonstration project shall be designed to ensure fairness and accuracy. The procedures shall also require personnel administering the drug testing program to treat individual test results confidentially, and not to provide individual test results to law enforcement officials. Statistical information which does not reveal individual identifying information should be provided to law enforcement officials.

(c) SUBPOENAS AND DISCOVERY.—Test results for tests conducted under a demonstration project receiving funds under this section shall not be subject to subpoena or discovery in any court or administrative forum, without the consent of the individual's parent, unless the individual is no longer a minor, in which case the individual's consent is required.

(d) MATCHING FUNDS.—The Administrator may give a preference in the award of grants under this section to applicants who provide an assurance that such applicant will commit some level of matching funds or resources for the program.

(e) CONSTRUCTION OF THIS SECTION.—Nothing in this section shall be construed to restrict other permissible drug testing activities in schools. Additional drug testing not conducted in accordance with the guidelines in subsection (b) may be conducted in schools which receive funding under this section, except that grants awarded under this section shall not be used to fund such additional testing.

(f) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Office of Juvenile Justice and Delinquency Prevention of the Department of Justice.

(2) PARENT.—The term ''parent'' means a custodial parent or legal guardian.

(3) STATE, STATE EDUCATIONAL AGENCY, AND LOCAL EDUCATIONAL AGENCY.—The terms ''State'', ''State educational agency'', and ''local educational agency'' have the meanings given such terms in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated from the National Tobacco Settlement Trust Fund, $10,000,000 for each of the fiscal years 1999 through 2003. Such sums shall remain available until expended.

CHAPTER 3—DRUG-FREE STUDENT LOANS

SEC. ___41. DRUG-FREE STUDENT LOANS

(a) IN GENERAL.—Section 484 of the Higher Education Act of 1965 (20 U.S.C. 1091) is amended by adding at the end the following:

''(q) SUSPENSION OF ELIGIBILITY FOR DRUGRELATED OFFENSES.—

''(1) IN GENERAL.—An individual student who has been convicted of any felony offense under any Federal or State law involving the possession or sale of a controlled substance shall not be eligible to receive any grant, loan, or work assistance under this title during the period beginning on the date of such conviction and ending after the interval specified in the following table:

''If convicted of an offense involving:	Ineligibility period is:
The possession of a controlled substance:	
First offense	1 year
Second offense	2 years
Third offense	indefinite
The sale of a controlled substance:	
First offense	2 years
Second offense	indefinite

''(2) REHABILITATION.—A student whose eligibility has been suspended under paragraph (1) may resume eligibility before the end of the period determined under such paragraph if the student satisfactorily completes a drug rehabilitation program that complies with such criteria as the Secretary shall prescribe for purposes of this paragraph and that includes two unannounced drug tests.

''(3) DEFINITIONS.—As used in this subsection, the term 'controlled substance' has the meaning given in section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)).''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to financial assistance to cover the costs of attendance for periods of enrollment beginning after the date of enactment of this Act.

CHAPTER 4—DRUG-FREE WORKPLACES

SEC. ___51. SHORT TITLE.

This chapter may be cited as the ''Drug-Free Workplace Act of 1998''.

SEC. ___52. FINDINGS; PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) 74 percent of adults who use illegal drugs are employed;

(2) small business concerns employ over 50 percent of the Nation's workforce;

(3) in over 88 percent of families with children under the age of 18, at least 1 parent is employed; and

(4) employees who use drugs increase costs for businesses and risk the health and safety of all employees because—

(A) absenteeism is 66 percent higher among drug users than nondrug users;

(B) health benefit utilization is 300 percent higher among drug users than nondrug users;

(C) 47 percent of workplace accidents are drug-related;

(D) disciplinary actions are 90 percent higher among drug users than nondrug users; and

(E) employee turnover is significantly higher among drug users than nondrug users.

(b) PURPOSES.—The purposes of this chapter are to—

(1) educate small business concerns about the advantages of a drug-free workplace;

(2) provide financial incentives and technical assistance to enable small business concerns to create a drug-free workplace; and

(3) assist working parents in keeping their children drug-free.

SEC. ___53. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) businesses should adopt drug-free workplace programs; and

(2) States should consider financial incentives, such as reductions in workers' compensation premiums, to encourage businesses to adopt drug-free workplace programs.

SEC. ___54. DRUG-FREE WORKPLACE DEMONSTRATION PROGRAM.

The Small Business Act (15 U.S.C. 636 et seq.) is amended—

(1) by redesignating section (32) as section (33); and

(2) by inserting after section 31 the following:

''SEC. 30. DRUG-FREE WORKPLACE DEMONSTRATION PROGRAM.

''(a) ESTABLISHMENT.—There is established a drug-free workplace demonstration program, under which the Administration may make grants to eligible intermediaries described in subsection (b) for the purpose of providing financial and technical assistance to small business concerns seeking to start a drug-free workplace program.

''(b) ELIGIBILITY FOR PARTICIPATION.—An intermediary shall be eligible to receive a grant under subsection (a) if it meets the following criteria:

''(1) It is an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 that is exempt from tax under section 5(a) of such Act, a program of such organization, or provides services to such organization.

''(2) Its primary purpose is to develop comprehensive drug-free workplace programs or to supply drug-free workplace services.

''(3) It has at least 2 years of experience in drug-free workplace programs.

''(4) It has a drug-free workplace policy in effect.

''(c) REQUIREMENTS FOR PROGRAM.—Any drug-free workplace program established as a result of this section shall include—

''(1) a written policy, including a clear statement of expectations for workplace behavior, prohibitions against substances in the workplace, and the consequences of violating such expectations and prohibitions;

''(2) training for at least 60 minutes for employees and supervisors;

''(3) additional training for supervisors and employees who are parents;

''(4) employee drug testing; and

''(5) employee access to an employee assistance program, including assessment, referral, and short-term problem resolution.

''(d) AUTHORIZATION.—There is authorized to be appropriated from the Trust Fund under section 401 of the National Tobacco Policy and Youth Smoking Reduction Act to carry out this section, $10,000,000 for fiscal year 1999. Such sums shall remain available until expended.''.

SEC. ___55. SMALL BUSINESS DEVELOPMENT CENTERS.

Section 21(c)(3) of the Small Business Act (15 U.S.C. 648(c)(3)) is amended—

(1) in subparagraph (R), by striking ''and'' at the end;

(2) in subparagraph (S), by striking the period and inserting ''; and''; and

(3) by inserting after subparagraph (S) the following:

''(T) providing information and assistance to small business concerns with respect to developing drug-free workplace programs.''.

SEC. ___56. CONTRACT AUTHORITY.

The Administrator of the Small Business Administration may contract with and compensate government and private agencies or persons for services related to carrying out the provisions of this chapter.

CHAPTER 5—DRUG-FREE COMMUNITIES

SEC. ___61. DRUG-FREE COMMUNITIES.

Section 1024(a) of the National Leadership Act of 1988 (21 U.S.C. 1524(a)) is amended—

(1) in paragraph (1), by adding ''and'' after the semicolon; and

(2) by striking paragraphs (2) through (5), and inserting the following:

''(2) $50,000,000 for each of the fiscal years 1999 through 2003, of which $10,000,000 in each such fiscal year shall be used for volunteer grassroots drug prevention programs that mobilize parent action teams nationwide to conduct community teen drug awareness education and prevention activities that guarantee increased parental involvement.''.

CHAPTER 6—BANNING FREE NEEDLES FOR DRUG ADDICTS

SEC. ___65. PROHIBITION ON USE OF FUNDS FOR HYPODERMIC NEEDLES.

Notwithstanding any other provision of law, no Federal funds shall be made available or used to carry out or support, directly or indirectly, any program of distributing sterile hypodermic needles or syringes to individuals for the hypodermic injection of any illegal drug.

Subtitle C—Defeating the Drug Mafia

CHAPTER 1—INCREASED RESOURCES FOR LAW ENFORCEMENT

SEC. ___71. INCREASED RESOURCES FOR LAW ENFORCEMENT.

(a) DRUG ENFORCEMENT ADMINISTRATION.—In addition to other amounts appropriated for the Drug Enforcement Administration for a fiscal year, there is authorized to be appropriated from the Trust Fund under section 401, $300,000,000 for each of the fiscal years 1999 through 2003 to be used for additional activities to disrupt and dismantle drug trafficking organizations.

(b) FEDERAL BUREAU OF INVESTIGATION.—In addition to other amounts appropriated for the Federal Bureau of Investigation for a fiscal year, there is authorized to be appropriated from the Trust Fund under section 401, $200,000,000 for each of the fiscal years 1999 through 2003 to be used to enhance investigative and intelligence gathering capabilities relating to illegal drugs.

CHAPTER 2—REGISTRATION OF CONVICTED DRUG DEALERS

SEC. ___99B. REGISTRATION OF CONVICTED DRUG DEALERS.

(a) IN GENERAL.—The Attorney General shall establish an incentive grant program for States to assist the States in enacting laws that establish State registration programs for individuals convicted of criminals offenses involving drug trafficking.

(b) GRANT REQUIREMENTS.—To qualify for a grant under subsection (a) a State shall enact, actively enforce, and publicize a law that requires that a person who is convicted of a criminal offense involving drug trafficking register a current address with a designated State law enforcement agency for up to 10-years following the date on which such individual is convicted or released from prison.

(c) REQUIREMENTS OF STATE LAW.—A State law enacted under subsection (b) shall contain the following elements:

(1) DUTIES OF RESPONSIBLE OFFICIALS.—If a person who is required to register under a State law under this section is released from prison, or placed on parole, supervised release, or probation, a State prison officer, the court, or another responsible officer or official, shall—

(A) inform the person of the duty to register and obtain the information required for such registration;

(B) inform the person that if the person changes residence address, the person shall report the change of address as provided by State law;

(C) inform the person that if the person changes residence to another State, the person shall report the change of address as provided by State law and comply with any registration requirement in the new State of residence, and inform the person that the person must also register in a State where the person is employed, carries on a vocation, or is a student;

(D) obtain fingerprints and a photograph of the person if these have not already been obtained in connection with the offense that triggers registration; and

(E) require the person to read and sign a form stating that the duty of the person to register under this section has been explained.

(2) TRANSFER OF INFORMATION TO STATE.—State procedures under the State law shall ensure that the registration information is promptly made available to a law enforcement agency having jurisdiction where the person expects to reside and entered into the appropriate State records or data system.

(3) VERIFICATION.—For a person required to register, State procedures under the State law shall provide for verification of address at least annually.

(4) NOTIFICATION OF LOCAL LAW ENFORCEMENT AGENCIES OF CHANGES IN ADDRESS.—A change of address by a person required to register under a State law under this section shall be reported by the person in the manner provided by State law. State procedures shall ensure that the updated address information is promptly made available to a law enforcement agency having jurisdiction where the person will reside and entered into the appropriate State records or data system.

(5) REGISTRATION FOR CHANGE OF ADDRESS TO ANOTHER STATE.—A person who has been convicted of an offense which requires registration under a State law under this section and who moves to another State, shall report the change of address to the responsible agency in the State the person is leaving, and shall comply with any registration requirement in the new State of residence. The procedures of the State the person is leaving shall ensure that notice is provided promptly to an agency responsible for registration in the new State, if that State requires registration.

(6) LENGTH OF REGISTRATION.—A person required to register under a State law under this section shall continue to comply with this section, except during ensuing periods of incarceration, until 10 years have elapsed since the person was released from prison or placed on parole, supervised release, or probation.

(7) REGISTRATION OF OUT-OF-STATE OFFENDERS, FEDERAL OFFENDERS, PERSONS SENTENCED BY COURTS MARTIAL, AND OFFENDERS CROSSING STATE BORDERS.—A State shall include in its registration program residents who were convicted in another State and shall ensure that procedures are in place to accept registration information from—

(A) residents who were convicted in another State, convicted of a Federal offense, or sentenced by a court martial; and

(B) nonresident offenders who have crossed into another State in order to work or attend school.

(8) REGISTRATION OF OFFENDER CROSSING STATE BORDER.—Any person who is required under a State law under this section to register in the State in which such person resides shall also register in any State in which the person is employed, carries on a vocation, or is a student.

(9) PENALTY.—A person required to register under a State law under this section who knowingly fails to so register and keep such registration current shall be subject to criminal penalties in any State in which the person has so failed.

(10) RELEASE OF INFORMATION.—

(A) IN GENERAL.—The information collected under a State registration program under this section may be disclosed for any purpose permitted under the laws of the State.

(B) PROTECTION OF THE PUBLIC.—The State or any agency authorized by the State shall

release relevant information that is necessary to protect the public concerning a specific person required to register under this section.

(11) IMMUNITY FOR GOOD FAITH CONDUCT.—Law enforcement agencies, employees of law enforcement agencies and independent contractors acting at the direction of such agencies, and State officials shall be immune from liability for good faith conduct under a State law under this section.

(12) FINGERPRINTS.—Each requirement to register under a State law under this section shall be deemed to also require the submission of a set of fingerprints of the person required to register, obtained in accordance with regulations prescribed by the Attorney General under section 170102(h).

(d) USE.—A State may only use a grant under subsection (a) to implement and enforce the law described in subsection (b).

(e) DEFINITION.—In this section, the term ''offenses involving drug trafficking'' means a criminal offense under Federal or applicable State law relating to—

(1) the distribution of illegal drugs to individuals under the age of 21 years;

(2) the distribution of manufacturing of illegal drugs in or near schools, colleges, universities, or youth-centered recreational facilities; or

(3) any other activity relating to illegal drugs determined appropriate by the chief executive officer of the State involved.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriate form amounts made available from the Trust Fund under section 401, $5,000,000 for each of the fiscal years 1999 through 2003.

Subtitle D—National Drug Control Strategy

SEC. ___99C. DEVELOPMENT, SUBMISSION, IMPLEMENTATION, AND ASSESSMENT OF NATIONAL DRUG CONTROL STRATEGY.

Section 1005 of the National Narcotics Leadership Act of 1988 (21 U.S.C. 1504) is amended to read as follows:

''SEC. 1005. DEVELOPMENT, SUBMISSION, IMPLEMENTATION, AND ASSESSMENT OF NATIONAL DRUG CONTROL STRATEGY.

''(a) TIMING, CONTENTS, AND PROCESS FOR DEVELOPMENT AND SUBMISSION OF NATIONAL DRUG CONTROL STRATEGY.—

''(1) TIMING.—

''(A) IN GENERAL.—Not later than October 1, 1998, the President shall submit to Congress a National Drug Control Strategy, which shall set forth a comprehensive 2-year plan for reducing drug abuse and the consequences of drug abuse in the United States, by limiting the availability of and reducing the demand for illegal drugs.

''(B) 4-YEAR PLAN.—Not later than October 1, 2001, and on October 1 of every fourth year thereafter, the President shall submit to Congress a revised National Drug Control Strategy, which shall set forth a comprehensive 4-year plan for reducing drug abuse and the consequences of drug abuse in the United States, by limiting the availability of and reducing the demand for illegal drugs, and shall include quantifiable 4-year performance objectives, targets, and measures for each National Drug Control Strategy goal and objective.

''(2) CONTENTS.—

''(A) IN GENERAL.—The National Drug Control Strategy submitted under paragraph (1) shall include—

''(i) comprehensive, research-based, long-range, quantifiable, goals for reducing drug abuse and the consequences of drug abuse in the United States;

''(ii) short-term measurable objectives to accomplish long-term quantifiable goals that the Director determines may be realistically achieved during the 2-year period beginning on the date on which the strategy is submitted;

''(iii) 5-year projections for program and budget priorities; and

''(iv) a review of State, local, and private sector drug control activities to ensure that the United States pursues well-coordinated and effective drug control at all levels of government.

''(B) CLASSIFIED INFORMATION.—Any contents of the National Drug Control Strategy that involves information properly classified under criteria established by an Executive order shall be presented to Congress separately from the rest of the Strategy.

''(3) PROCESS FOR DEVELOPMENT AND SUBMISSION.—

''(A) CONSULTATION.—In developing and effectively implementing the National Drug Control Strategy, the Director—

''(i) shall consult with—

''(I) the heads of the National Drug Control Program agencies;

''(II) Congress;

''(III) State and local officials;

''(IV) private citizens and organizations with experience and expertise in demand reduction; and

''(V) private citizens and organizations with experience and expertise in supply reduction; and

''(ii) may require the National Drug Intelligence Center and the El Paso Intelligence Center to undertake specific tasks or projects to implement the Strategy.

''(B) INCLUSION IN STRATEGY.—The National Drug Control Strategy under this subsection, and each report submitted under subsection (b), shall include a list of each entity consulted under subparagraph (A)(i).

''(4) MODIFICATION AND RESUBMITTAL.—Notwithstanding any other provision of law, the Director may modify a National Drug Control Strategy submitted under paragraph (1) at any time.

''(b) ANNUAL STRATEGY REPORT.—

''(1) IN GENERAL.—Not later than February 1, 1999, and on February 1 of each year thereafter, the President shall submit to Congress a report on the progress in implementing the Strategy under subsection (a), which shall include—

''(A) an assessment of the Federal effectiveness in achieving the Strategy goals and objectives using the performance measurement system described in subsection (c), including—

''(i) an assessment of drug use and availability in the United States; and

''(ii) an estimate of the effectiveness of interdiction, treatment, prevention, law enforcement, and international programs under the National Drug Control Strategy in effect during the preceding year, or in effect as of the date on which the report is submitted;

''(B) any modifications of the Strategy or the performance measurement system described in subsection (c);

''(C) an assessment of how the budget proposal submitted under section 1003(c) is intended to implement the Strategy and whether the funding levels contained in such proposal are sufficient to implement such Strategy;

''(D) beginning on February 1, 1999, and every 2 years thereafter, measurable data evaluating the success or failure in achieving the short-term measurable objectives described in subsection (a)(2)(A)(ii);

''(E) an assessment of current drug use (including inhalants) and availability, impact of drug use, and treatment availability, which assessment shall include—

''(i) estimates of drug prevalence and frequency of use as measured by national, State, and local surveys of illicit drug use and by other special studies of—

''(I) casual and chronic drug use;

''(II) high-risk populations, including school dropouts, the homeless and transient, arrestees, parolees, probationers, and juvenile delinquents; and

''(III) drug use in the workplace and the productivity lost by such use;

''(ii) an assessment of the reduction of drug availability against an ascertained baseline, as measured by—

''(I) the quantities of cocaine, heroin, marijuana, methamphetamine, and other drugs available for consumption in the United States;

''(II) the amount of marijuana, cocaine, and heroin entering the United States;

''(III) the number of hectares of marijuana, poppy, and coca cultivated and destroyed;

''(IV) the number of metric tons of marijuana, heroin, and cocaine seized;

''(V) the number of cocaine and methamphetamine processing laboratories destroyed;

''(VI) changes in the price and purity of heroin and cocaine;

''(VII) the amount and type of controlled substances diverted from legitimate retail and wholesale sources; and

''(VIII) the effectiveness of Federal technology programs at improving drug detection capabilities in interdiction, and at United States ports of entry;

''(iii) an assessment of the reduction of the consequences of drug use and availability, which shall include estimation of—

''(I) the burden drug users placed on hospital emergency departments in the United States, such as the quantity of drug-related services provided;

''(II) the annual national health care costs of drug use, including costs associated with people becoming infected with the human immunodeficiency virus and other infectious diseases as a result of drug use;

''(III) the extent of drug-related crime and criminal activity; and

''(IV) the contribution of drugs to the underground economy, as measured by the retail value of drugs sold in the United States;

''(iv) a determination of the status of drug treatment in the United States, by assessing—

''(I) public and private treatment capacity within each State, including information on the treatment capacity available in relation to the capacity actually used;

''(II) the extent, within each State, to which treatment is available;

''(III) the number of drug users the Director estimates could benefit from treatment; and

''(IV) the specific factors that restrict the availability of treatment services to those seeking it and proposed administrative or legislative remedies to make treatment available to those individuals; and

''(v) a review of the research agenda of the Counter-Drug Technology Assessment Center to reduce the availability and abuse of drugs; and

''(F) an assessment of private sector initiatives and cooperative efforts between the Federal Government and State and local governments for drug control.

''(2) SUBMISSION OF REVISED STRATEGY.—The President may submit to Congress a revised National Drug Control Strategy that meets the requirements of this section—

''(A) at any time, upon a determination by the President and the Director that the National Drug Control Strategy in effect is not sufficiently effective; and

''(B) if a new President or Director takes office.

''(c) PERFORMANCE MEASUREMENT SYSTEM.—

''(1) IN GENERAL.—Not later than October 1, 1998, the Director shall submit to Congress a

description of the national drug control performance measurement system, designed in consultation with affected National Drug Control Program agencies, that—

''(A) develops performance objectives, measures, and targets for each National Drug Control Strategy goal and objective;

''(B) revises performance objectives, measures, and targets, to conform with National Drug Control Program Agency budgets;

''(C) identifies major programs and activities of the National Drug Control Program agencies that support the goals and objectives of the National Drug Control Strategy;

''(D) evaluates implementation of major program activities supporting the National Drug Control Strategy developed under section 1005;

''(E) monitors consistency between the drug-related goals and objectives of the National Drug Control Program agencies and ensures that drug control agency goals and budgets support and are fully consistent with the National Drug Control Strategy; and

''(F) coordinates the development and implementation of national drug control data collection and reporting systems to support policy formulation and performance measurement, including an assessment of—

''(i) the quality of current drug use measurement instruments and techniques to measure supply reduction and demand reduction activities;

''(ii) the adequacy of the coverage of existing national drug use measurement instruments and techniques to measure the casual drug user population and groups that are at risk for drug use; and

''(iii) the actions the Director shall take to correct any deficiencies and limitations identified pursuant to subparagraphs (A) and (B) of subsection (b)(4).

''(2) MODIFICATIONS.—A description of any modifications made during the preceding year to the national drug control performance measurement system described in paragraph (1) shall be included in each report submitted under subsection (b).''.

SEC. ___99D. REPORT BY PRESIDENT.

Not later than October 1, 1998, and every April 1 and October 1 thereafter, the President shall prepare and submit to the appropriate committees of Congress a report on the prevalence of the use of any illegal drugs by youth between the ages of 12 and 17.

Subtitle E—Miscellaneous Provisions

SEC. ___99E. LIMITATIONS ON FUNDING.

(b) IN GENERAL.—Notwithstanding section 451(b), amounts in the Public Health Account shall be available to the extent and only in the amounts provided in advance in appropriations Acts, to remain available until expended, only for the purposes of—

(1) carrying out smoking cessation activities under part D of title XIX of the Public Health Service Act, as added by title II of this Act;

(2) carrying out activities under section 453;

(3) carrying out—

(A) counter-advertising activities under section 1982 of the Public Health Service Act as amended by this Act;

(B) smoking prevention activities under section 223;

(C) surveys under section 1991C of the Public Health Service Act, as added by this Act (but, in no fiscal year may the amounts used to carry out such surveys be less than 10 percent of the amounts available under this subsection); and

(D) international activities under section 1132;

(4) carrying out—

(A) Food and Drug Administration activities;

(B) State retail licensing activities under section 251;

(C) anti-Smuggling activities under section 1141; and

(5) carrying out education and prevention relating to drugs under this title.

THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1999

ABRAHAM AMENDMENTS NOS. 2452–2456

(Ordered to lie on the table.)

Mr. ABRAHAM submitted five amendments intended to be proposed by him to the bill, S. 2057, supra; as follows:

AMENDMENT NO. 2452

At the appropriate place, insert the following section:

SEC. . US FORCE LEVELS IN ASIA.

(a) SENSE OF CONGRESS.—It is the Sense of Congress that the current force levels in the Pacific Command Theater of Operations are necessary to the fulfillment of that command's military mission, and are vital to continued peace and stability in the region. Any reductions in those force levels should only be done in close consultation with Congress and with a clear understanding of their impact upon the United States' ability to fulfill its current treaty obligations with other states in the region, as well as to the continued ability of the United States to deter potential aggression in the region.

(b) ANNUAL NATIONAL SECURITY STRATEGY REPORT REQUIREMENT.—The Annual National Security Strategy Report as required by Section 603 of Public Law 99–433 should provide specific information as to the adequacy of the capabilities of the United States armed forces to support the implementation of the national security strategy as it relates to the People's Republic of China.

AMENDMENT NO. 2453

At the appropriate place, insert the following section:

SEC. . ENFORCEMENT OF IRAN-IRAQ ARMS NON-PROLIFERATION ACT WITH RESPECT TO THE PEOPLE'S REPUBLIC OF CHINA.

(a) STATEMENT OF POLICY.—It shall be the policy of the United States that—

(1) the delivery of 60 C–802 cruise missiles by the China National Precision Machinery Import Export Corporation to Iran poses a new, direct threat to deployed United States forces in the Middle East and materially contributed to the efforts of Iran to acquire destabilizing numbers and types of advanced conventional weapons; and

(2) the delivery is a violation of the Iran-Iraq Arms Non-Proliferation Act of 1992 (50 U.S.C. 1701 note).

(b) IMPLEMENTATION OF SANCTIONS.—

(1) REQUIREMENT.—The President shall impose on the People's Republic of China the mandatory sanctions set forth in paragraphs (3), (4), and (5) of section 1605(b) of the Iran-Iraq Arms Non-Proliferation Act of 1992.

(2) NONAVAILABILITY OF WAIVER.—For purposes of this section, the President shall not have the authority contained in section 1606 of the Iran-Iraq Arms Non-Proliferation Act of 1992 to waive the sanctions required under paragraph (1).

AMENDMENT NO. 2454

At the appropriate place, insert the following section:

SEC. . ANNUAL REPORTS ON INTELLIGENCE ACTIVITIES OF THE PEOPLE'S REPUBLIC OF CHINA.

(a) REPORTS.—

(1) IN GENERAL.—Not later than March 31 each year, the Director of Central Intelligence and the Director of the Federal Bureau of Investigation, jointly and in consultation with the heads of other appropriate Federal agencies (including the Departments of Defense, Justice, Treasury, and State), shall submit to the Members of Congress referred to in paragraph (2) a report on the intelligence activities of the People's Republic of China directed against or affecting the interests of the United States.

(2) SUBMITTAL.—Each report under paragraph (1) shall be submitted to the following:

(A) The Majority leader and Minority leader of the Senate.

(B) The chairman and ranking member of the Select Committee on Intelligence of the Senate.

(C) The Speaker and Minority leader of the House of Representatives.

(D) The chairman and ranking member of the Permanent Select Committee on Intelligence of the House of Representatives.

(3) FORM.—Each report shall be submitted in unclassified form, but may include a classified annex.

(b) CONTENTS OF REPORTS.—Each report under subsection (a) shall include information concerning the following:

(1) Political and military espionage.

(2) Intelligence activities designed to gain political influence, including activities undertaken or coordinated by the United Front Work Department of the Chinese Communist Party.

(3) Efforts to gain direct or indirect influence through commercial or noncommercial intermediaries subject to control by the People's Republic of China, including enterprises controlled by the People's Liberation Army.

(4) Disinformation and press manipulation by the People's Republic of China with respect to the United States, including activities undertaken or coordinated by the United Front Department of the Chinese Communist Party.

AMENDMENT NO. 2455

At the appropriate place, insert the following section:

SEC. . SANCTIONS REGARDING CHINA NORTH INDUSTRIES GROUP, CHINA POLY GROUP, AND CERTAIN OTHER ENTITIES AFFILIATED WITH THE PEOPLE'S LIBERATION ARMY.

(a) FINDING; PURPOSE.—

(1) FUNDING.—Congress finds that, in May 1996, United States authorities caught representatives of the People's Liberation Army enterprise, China Poly Group, and the civilian defense industrial company, China North Industries Group, attempting to smuggle 2,000 AK–47s into Oakland, California, and offering to sell to Federal undercover agents 300,000 machine guns with silencers, 66-millimeter mortars, hand grenades, and 'Red Parakeet' surface-to-air missiles, which, as stated in the criminal complaint against one of those representatives, ''* * * could take out a 747'' aircraft.

(2) PURPOSE.—The purpose of this section is to impose targeted sanctions against entities affiliated with the People's Liberation Army that engage in the proliferation of weapons of mass destruction, the importation of illegal weapons or firearms into the United States, or espionage in the United States.

(b) SANCTIONS AGAINST CERTAIN PLA AFFILIATES.—

(1) SANCTIONS.—Except as provided in paragraph (2) and subject to paragraph (3), the President shall—

(A) prohibit the importation into the United States of all products that are produced, grown, or manufactured by a covered entity, the parent company of a covered entity, or any affiliate, subsidiary, or successor entity of a covered entity;

(B) direct the Secretary of State and the Attorney General to deny or impose restrictions on the entry into the United States of any foreign national serving as an officer, director, or employee of a covered entity or other entity described in subparagraph (A);

(C) prohibit the issuance to a covered entity or other entity described in subparagraph (A) of licenses in connection with the export of any item on the United States Munitions List;

(D) prohibit the export to a covered entity or other entity described in subparagraph (A) of any goods or technology on which export controls are in effect under section 5 or 6 of the Export Administration Act of 1979;

(E) direct the Export-Import Bank of the United States not to give approval to the issuance of any guarantee, insurance, extension of credit, or participation in the extension of credit with respect to a covered entity or other entity described in subparagraph (A);

(F) prohibit United States nationals from directly or indirectly issuing any guarantee for any loan or other investment to, issuing any extension of credit to, or making any investment in a covered entity or other entity described in subparagraph (A); and

(G) prohibit the departments and agencies of the United States and United States nationals from entering into any contract with a covered entity or other entity described in subparagraph (A) for the procurement or other provision of goods or services from such entity.

(2) EXCEPTIONS.—

(A) IN GENERAL.—The President shall not impose sanctions under this subsection—

(i) in the case of the procurement of defense articles or defense services—

(I) under contracts or subcontracts that are in effect on October 1, 1998 (including the exercise of options for production quantities to satisfy United States operational military requirements);

(II) if the President determines that the person or entity to whom the sanctions would otherwise be applied is a sole source supplier of essential defense articles or services and no alternative supplier can be identified; or

(III) if the President determines that such articles or services are essential to the national security; or

(ii) in the case of—

(I) products or services provided under contracts or binding agreements (as such terms are defined by the President in regulations) or joint ventures entered into before October 1, 1998;

(II) spare parts;

(III) component parts that are not finished products but are essential to United States products or production;

(IV) routine servicing and maintenance of products; or

(V) information and technology products and services.

(B) IMMIGRATION RESTRICTIONS.—The President shall not apply the restrictions described in paragraph (1)(B) to a person described in that paragraph if the President, after consultation with the Attorney General, determines that the presence of the person in the United States is necessary for a Federal or State judicial proceeding against a covered entity or other entity described in paragraph (1)(A).

(3) TERMINATION.—The sanctions under this subsection shall terminate as follows:

(A) In the case of an entity referred to in paragraph (1) or (2) of subsection (c), on the date that is one year after the date of enactment of this Act.

(B) In the case of an entity that becomes a covered entity under paragraph (3) or (4) of subsection (c) by reason of its identification in a report under subsection (d), on the date that is one year after the date on which the entity is identified in such report.

(c) COVERED ENTITIES.—For purposes of subsection (b), a covered entity is any of the following:

(1) China North Industries Group.

(2) China Poly Group, also known as Polytechnologies Incorporated or BAOLI.

(3) Any affiliate of the People's Liberation Army identified in a report of the Director of Central Intelligence under subsection (d)(1).

(4) Any affiliate of the People's Liberation Army identified in a report of the Director of the Federal Bureau of Investigation under subsection (d)(2).

(d) REPORTS ON ACTIVITIES OF PLA AFFILIATES.—

(1) TRANSFERS OF SENSITIVE ITEMS AND TECHNOLOGIES.—Not later than 30 days after the date of enactment of this Act and annually thereafter through 2002, the Director of Central Intelligence shall submit to the appropriate members of Congress a report that identifies each entity owned wholly or in part by the People's Liberation Army which, during the 2-year period ending on the date of the report, transferred to any other entity a controlled item for use in the following:

(A) Any item listed in category I or category II of the MTCR Annex.

(B) Activities to develop, produce, stockpile, or deliver chemical or biological weapons.

(C) Nuclear activities in countries that do not maintain full-scope International Atomic Energy Agency safeguards or equivalent full-scope safeguards.

(2) ILLEGAL ACTIVITIES IN THE UNITED STATES.—Not later than 30 days after the date of enactment of this Act and annually thereafter through 2002, the Director of the Federal Bureau of Investigation shall submit to the appropriate members of Congress a report that identifies each entity owned wholly or in part by the People's Liberation Army which, during the 2-year period ending on the date of the report, attempted to—

(A) illegally import weapons or firearms into the United States; or

(B) engage in military intelligence collection or espionage in the United States under the cover of commercial business activity.

(3) FORM.—Each report under this subsection shall be submitted in classified form.

(e) DEFINITIONS.—In this section:

(1) AFFILIATE.—The term ''affiliate'' does not include any United States national engaged in a business arrangement with a covered entity or other entity described in subsection (b)(1)(A).

(2) APPROPRIATE MEMBERS OF CONGRESS.—The term ''appropriate members of congress'' means the following:

(A) The Majority leader and Minority leader of the Senate.

(B) The chairmen and ranking members of the Committee on Foreign Relations and the Committee on Armed Services of the Senate.

(C) The Speaker and Minority leader of the House of Representatives.

(D) The chairmen and ranking members of the Committee on International Relations and the Committee on National Security of the House of Representatives.

(3) COMPONENT PART.—The term ''component part'' means any article that is not usable for its intended function without being embedded or integrated into any other product and, if used in the production of a finished product, would be substantially transformed in that process.

(4) CONTROLLED ITEM.—The team ''controlled item'' means the following:

(A) Any item listed in the MTCR Annex.

(B) Any item listed for control by the Australia Group.

(C) Any item relevant to the nuclear fuel cycle of nuclear explosive applications that are listed for control by the Nuclear Suppliers Group.

(5) FINISHED PRODUCT.—The term ''finished product'' means any article that is usable for its intended function without being embedded in or integrated into any other product, but does not include an article produced by a person or entity other than a covered entity or other entity described in subsection (b)(1)(A) that contains parts or components of such an entity if the parts or components have been substantially transformed during production of the finished product.

(6) INVESTMENT.—The term ''investment'' includes any contribution or commitment of funds, commodities, services, patents, processes, or techniques, in the form of—

(A) a loan or loans;

(B) the purchase of a share of ownership;

(C) participation in royalties, earnings, or profits; and

(D) the furnishing of commodities or services pursuant to a lease or other contract, but does not include routine maintenance of property.

(7) MTCR ANNEX.—The term ''MTCR Annex'' has the meaning given that term in section 74(4) of the Arms Export Control Act (22 U.S.C. 2797c(4)).

(8) UNITED STATES NATIONAL.—

(A) IN GENERAL.—The term ''United States national'' means—

(i) any United States citizen; and

(ii) any corporation, partnership, or other organization created under the laws of the United States, any State, the District of Columbia, or any territory or possession of the United States.

(B) EXCEPTION.—The term ''United States national'' does not include a subsidiary or affiliate of corporation, partnership, or organization that is a United States national if the subsidiary or affiliate is located outside the United States.

AMENDMENT NO. 2456

Add at the end the following new titles:

TITLE ____—**MONITORING OF HUMAN RIGHTS ABUSES IN CHINA**

SEC. ____. SHORT TITLE.

This title may be cited as the ''Political Freedom in China Act of 1998''.

SEC. ____. FINDINGS.

Congress makes the following findings:

(1) Congress concurs in the following conclusions of the United States State Department on human rights in the People's Republic of China in 1996:

(A) The People's Republic of China is ''an authoritarian state'' in which ''citizens lack the freedom to peacefully express opposition to the party-led political system and the right to change their national leaders or form of government''.

(B) The Government of the People's Republic of China has ''continued to commit widespread and well-documented human rights abuses, in violation of internationally accepted norms, stemming from the authorities' intolerance of dissent, fear of unrest, and the absence or inadequacy of laws protecting basic freedoms''.

(C) ''[a]buses include torture and mistreatment of prisoners, forced confessions, and arbitrary and incommunicado detention''.

(D) ''[p]rison conditions remained harsh [and] [t]he Government continued severe restrictions on freedom of speech, the press, assembly, association, religion, privacy, and worker rights''.

(E) ''[a]lthough the Government denies that it holds political prisoners, the number of persons detained or serving sentences for 'counterrevolutionary crimes' or 'crimes against the state', or for peaceful political or religious activities are believed to number in the thousands''.

(F) ''[n]onapproved religious groups, including Protestant and Catholic groups * * * experienced intensified repression''.

(G) ''[s]erious human rights abuses persist in minority areas, including Tibet, Xinjiang, and Inner Mongolia[, and] [c]ontrols on religion and on other fundamental freedoms in these areas have also intensified''.

(H) ''[o]verall in 1996, the authorities stepped up efforts to cut off expressions of protest or criticism. All public dissent against the party and government was effectively silenced by intimidation, exile, the imposition of prison terms, administrative detention, or house arrest. No dissidents were known to be active at year's end.''.

(2) In addition to the State Department, credible independent human rights organizations have documented an increase in repression in China during 1995, and effective destruction of the dissident movement through the arrest and sentencing of the few remaining pro-democracy and human rights activists not already in prison or exile.

(3) Among those were Li Hai, sentenced to 9 years in prison on December 18, 1996, for gathering information on the victims of the 1989 crackdown, which according to the court's verdict constituted ''state secrets''; Liu Nianchun, an independent labor organizer, sentenced to 3 years of ''re-education through labor'' on July 4, 1996, due to his activities in connection with a petition campaign calling for human rights reforms; and Ngodrup Phuntsog, a Tibetan national, who was arrested in Tibet in 1987 immediately after he returned from a 2-year trip to India, where the Tibetan government in exile is located, and following a secret trial was convicted by the Government of the People's Republic of China of espionage on behalf of the ''Ministry of Security of the Dalai clique''.

(4) Many political prisoners are suffering from poor conditions and ill-treatment leading to serious medical and health problems, including—

(A) Gao Yu, a journalist sentenced to 6 years in prison in November 1994 and honored by UNESCO in May 1997, has a heart condition; and

(B) Chen Longde, a leading human rights advocate now serving a 3-year reeducation through labor sentence imposed without trial in August 1995, has reportedly been subject to repeated beatings and electric shocks at a labor camp for refusing to confess his guilt.

(5) The People's Republic of China, as a member of the United Nations, is expected to abide by the provisions of the Universal Declaration of Human Rights.

(6) The People's Republic of China is a party to numerous international human rights conventions, including the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

SEC. ___. CONDUCT OF FOREIGN RELATIONS.

(a) RELEASE OF PRISONERS.—The Secretary of State, in all official meetings with the Government of the People's Republic of China, should request the immediate and unconditional release of Ngodrup Phuntsog and other prisoners of conscience in Tibet, as well as in the People's Republic of China.

(b) ACCESS TO PRISONS.—The Secretary of State should seek access for international humanitarian organizations to Drapchi prison and other prisons in Tibet, as well as in the People's Republic of China, to ensure that prisoners are not being mistreated and are receiving necessary medical treatment.

(c) DIALOGUE ON FUTURE OF TIBET.—The Secretary of State, in all official meetings with the Government of the People's Republic of China, should call on that country to begin serious discussions with the Dalai Lama or his representatives, without preconditions, on the future of Tibet.

SEC. ___. AUTHORIZATION OF APPROPRIATIONS FOR ADDITIONAL PERSONNEL AT DIPLOMATIC POSTS TO MONITOR HUMAN RIGHTS IN THE PEOPLE'S REPUBLIC OF CHINA.

There are authorized to be appropriated to support personnel to monitor political repression in the People's Republic of China in the United States Embassies in Beijing and Kathmandu, as well as the American consulates in Guangzhou, Shanghai, Shenyang, Chengdu, and Hong Kong, $2,200,000 for fiscal year 1999 and $2,200,000 for fiscal year 2000.

SEC. ___. DEMOCRACY BUILDING IN CHINA.

(a) AUTHORIZATION OF APPROPRIATIONS FOR NED.—In addition to such sums as are otherwise authorized to be appropriated for the ''National Endowment for Democracy'' for fiscal years 1999 and 2000, there are authorized to be appropriated for the ''National Endowment for Democracy'' $4,000,000 for fiscal year 1999 and $4,000,000 for fiscal year 2000, which shall be available to promote democracy, civil society, and the development of the rule of law in China.

(b) EAST ASIA-PACIFIC REGIONAL DEMOCRACY FUND.—The Secretary of State shall use funds available in the East Asia-Pacific Regional Democracy Fund to provide grants to nongovernmental organizations to promote democracy, civil society, and the development of the rule of law in China.

SEC. ___. HUMAN RIGHTS IN CHINA.

(a) REPORTS.—Not later than March 30, 1999, and each subsequent year thereafter, the Secretary of State shall submit to the International Relations Committee of the House of Representatives and the Foreign Relations Committee of the Senate an annual report on human rights in China, including religious persecution, the development of democratic institutions, and the rule of law. Reports shall provide information on each region of China.

(b) PRISONER INFORMATION REGISTRY.—The Secretary of State shall establish a Prisoner Information Registry for China which shall provide information on all political prisoners, prisoners of conscience, and prisoners of faith in China. Such information shall include the charges, judicial processes, administrative actions, use of forced labor, incidences of torture, length of imprisonment, physical and health conditions, and other matters related to the incarceration of such prisoners in China. The Secretary of State is authorized to make funds available to nongovernmental organizations presently engaged in monitoring activities regarding Chinese political prisoners to assist in the creation and maintenance of the registry.

SEC. ___. SENSE OF CONGRESS CONCERNING ESTABLISHMENT OF A COMMISSION ON SECURITY AND COOPERATION IN ASIA.

It is the sense of Congress that Congress, the President, and the Secretary of State should work with the governments of other countries to establish a Commission on Security and Cooperation in Asia which would be modeled after the Commission on Security and Cooperation in Europe.

SEC. ___. SENSE OF CONGRESS REGARDING DEMOCRACY IN HONG KONG.

It is the sense of Congress that the people of Hong Kong should continue to have the right and ability to freely elect their legislative representatives, and that the procedure for the conduct of the elections of the legislature of the Hong Kong Special Administrative Region should be determined by the people of Hong Kong through an election law convention, a referendum, or both.

SEC. ___. SENSE OF CONGRESS RELATING TO ORGAN HARVESTING AND TRANSPLANTING IN THE PEOPLE'S REPUBLIC OF CHINA.

It is the sense of Congress that—

(1) the Government of the People's Republic of China should stop the practice of harvesting and transplanting organs for profit from prisoners that it executes;

(2) the Government of the People's Republic of China should be strongly condemned for such organ harvesting and transplanting practice;

(3) the President should bar from entry into the United States any and all officials of the Government of the People's Republic of China known to be directly involved in such organ harvesting and transplanting practice;

(4) individuals determined to be participating in or otherwise facilitating the sale of such organs in the United States should be prosecuted to the fullest possible extent of the law; and

(5) the appropriate officials in the United States should interview individuals, including doctors, who may have knowledge of such organ harvesting and transplanting practice.

NATIONAL TOBACCO POLICY AND YOUTH SMOKING REDUCTION ACT

CHAFEE AMENDMENT NO. 2457

Mr. CHAFEE submitted an amendment intended to be proposed by him to the bill, S. 1415, supra; as follows:

At the appropriate place in title V, insert the following:

SEC. _____. EDUCATION AND OUTREACH.

(a) NATIONAL EDUCATION AND OUTREACH CAMPAIGN.—The Administrator shall use amounts made available under subsection (c)(1) in each fiscal year to establish a national education and outreach campaign relating to the effect on individuals of exposure to tobacco smoke and ways to minimize such exposure. In establishing such campaign, the Administrator shall—

(1) focus on children's exposure to environmental tobacco smoke in the home; and

(2) coordinate activities with the Secretary of Health and Human Services and other Federal agencies as determined appropriate by the Administrator.

(b) PEER REVIEW.—The Administrator shall use amounts made available under subsection (c)(2) in each fiscal year to carry out research, and provide for peer review studies of research, related to the exposure of individuals to environmental tobacco smoke.

(c) FUNDING.—There shall be made available from the Public Health Allocation Account established under section 451(b) to the Administrator—

(1) $50,000,000 for each of the fiscal years 1999 through 2003 to carry out subsection (a); and

(2) $5,000,000 for each of the fiscal years 1999 through 2003 to carry out subsection (b).

NOTICE OF HEARING

SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION AND RECREATION

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on National Parks, Historic Preservation, and Recreation.

The hearing will take place on June 18, 1998 at 2:00 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to receive testimony on S. 469, a bill to designate a portion of the Sudbury,

Assabet, and Concord Rivers as a component of the National Wild And Scenic Rivers System; S. 1016, a bill to authorize appropriations for the Coastal Heritage Trail Route in New Jersey, and for other purposes; S. 1665, a bill to reauthorize the Delaware and Lehigh Navigation Canal National Heritage Corridor Act, and for other purposes; S. 2039, a bill to amend the National Trails System Act to designate El Camino Real de Tierra Adentro as a National Historic Trail; and, H.R. 2186, a bill to authorize the Secretary of the Interior to provide assistance to the National Historic Trails Interpretive Center in Casper, Wyoming.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Subcommittee on National Parks, Historic Preservation and Recreation, Committee on Energy and Natural Resources, United States Senate, 364 Dirksen Senate Office Building, Washington, DC 20510–6150.

For further information, please contact Darlene Koontz of the Subcommittee staff at (202) 224–7555 or Shawn Taylor at (202) 224–6969.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. GRAMM. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet at 10 a.m. on Thursday, June 4, 1998, in open/closed session, to receive testimony on the future threats to the Department of Defense information systems, including the year 2000 problems and the sale of the frequency spectrum.

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

COMMITTEE ON ARMED SERVICES

Mr. GRAMM. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet at 2 p.m. on Thursday, June 4, 1998, in open session, to receive testimony on U.S. forces participating in NATO operations in Bosnia and progress in achieving benchmarks in the civil implementation of the Dayton Agreement.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. GRAMM. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Thursday, June 4, for purposes of conducting a full committee hearing which is scheduled to begin at 9:30 a.m. The purpose of this oversight hearing is to receive GAO's preliminary comments on its review of the Administration's Climate Change Proposal and to hear the Administration's response to GAO's comments.

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

COMMITTEE ON SMALL BUSINESS

Mr. GRAMM. Mr. President, I ask unanimous consent that the Committee on Small Business be authorized to meet during the session of the Senate for a hearing entitled ''Oversight of the Small Business Innovation Research (SBIR) Program.'' The hearing will begin at 10 a.m. on Thursday, June 4, 1998, in room 428A Russell Senate Office Building.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. GRAMM. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, June 4, 1998 at 10 a.m. to hold a closed hearing on Intelligence matters.

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

SUBCOMMITTEE ON AVIATION

Mr. GRAMM. Mr. President, I ask unanimous consent that the Aviation Subcommittee of the Senate Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, June 4, 1998, at 2:15 p.m. on Airline Alliances.

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

SUBCOMMITTEE ON COMMUNICATIONS

Mr. GRAMM. Mr. President, I ask unanimous consent that the Communications Subcommittee of the Senate Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, June 4, 1998, at 9:30 a.m. on Oversight of the Cable Services Bureau.

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

SUBCOMMITTEE ON FORESTS AND PUBLIC LAND MANAGEMENT

Mr. GRAMM. Mr. President, I ask unanimous consent that the Subcommittee on Forests and Public Land Management of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Thursday, June 4, for purposes of conducting a subcommittee hearing which is scheduled to begin at 2 p.m. The purpose of this hearing is to receive testimony on S.1253, the Public Land Management Act of 1997.

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

SUBCOMMITTEE ON HOUSING OPPORTUNITY AND COMMUNITY DEVELOPMENT

Mr. GRAMM. Mr. President, I ask unanimous consent that the Subcommittee on Housing Opportunity and Community Development of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the sessions of the Senate on Thursday, June 4, 1998, to conduct an oversight hearing on the Programs and Operations of the Federal Housing Administration (FHA).

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

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, RESTRUCTURING, AND THE DISTRICT OF COLUMBIA

Mr. GRAMM. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Subcommittee on Oversight of Government Management, Restructuring, and the District of Columbia to meet on Thursday, June 4, 1998, at 10 a.m. for a hearing on ''Competition for Commercial Activities in the Federal Government''.

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

ADDITIONAL STATEMENTS

IMPORTANCE OF SENATE ACTION ON THE COMPREHENSIVE TEST BAN TREATY

● Mr. JOHNSON. Mr. President, like many of my colleagues I am deeply concerned about the recent nuclear tests conducted by India and Pakistan. The leaders of these two nations acted with disregard and both countries must be shown that such actions are unacceptable. No nation should think that it can conduct secret nuclear tests and not be held accountable. The United States and the international community will continue to impose sanctions on both countries, causing further economic hardship for these impoverished populations. However, I believe we can do much more to prevent further testing.

India and Pakistan are two of the three nations who were suspected of having nuclear capability which had not joined the Comprehensive Test Ban Treaty (CTBT). Now, both countries should be pressured to sign the treaty immediately. In Tuesday's New York Times, Stanford Professor Sidney Drell stated a compelling argument for United States ratification of the CTBT, and I ask that the attached article be printed in the RECORD at the conclusion of my remarks. I agree with Drell's sentiment that, rather than pointing to India's and Pakistan's tests as reason for inaction, the Senate should immediately take up and approve the treaty. I feel strongly that Senate ratification would make our efforts to dissuade India and Pakistan from an arms race much more credible, and would send a message to any other nations considering tests of their own. Of course, the US and the international community should concentrate on facilitating the dialog necessary between Indian and Pakistan to diffuse the points of contention currently driving this arms race, and ratification of the CTBT will help to shift that focus.

Additionally, the best way for India and Pakistan to address the sanctions resulting from their irresponsible nuclear tests is to sign the CTBT, without conditions. Instead of spending scarce resources on a nuclear arms race, we must convince the leadership

of both countries to rebuild their economies and improve the standard of living for the people, something that obviously has not been the case for either India or Pakistan. Urging them to sign the treaty would be one step in the right direction. Treaty ratification is also a necessary step for restricting the flow of nuclear technology, from these emerging nuclear powers and nations worldwide.

I urge Senator LOTT to take up consideration of the Comprehensive Test Ban Treaty, and I urge all of my Senate colleagues to vote for a ban on nuclear testing by the United States. The United States must lead by example. We did not do enough to prevent the nuclear tests by India or Pakistan, and now we must do more to ensure that further testing is halted in South Asia and throughout the world. President Clinton is scheduled to travel to China and South Asia later this year. I believe such a diplomatic mission is extremely timely and must include visits to China, India and Pakistan for the distinct purpose of discussing global security in light of the round of nuclear capacity testing in the region. I encourage my Senate colleagues to support the President in this endeavor.

The article follows:

[From the New York Times, June 2, 1998]

REASONS TO RATIFY, NOT TO STALL

(By Sidney D. Drell)

STANFORD, Calif.—The nuclear tests by India and Pakistan have led some in the United States Senate to seek further delay on the Comprehensive Test Ban Treaty, which has already been awaiting ratification for more than a year and a half. Senator Trent Lott of Mississippi, the majority leader, said on Friday that ''the nuclear spiral in Asia demonstrates that irrelevance of U.S. action'' on the treaty, calling the pact ''unverifiable and ineffectual.''

To the contrary, the treaty's international monitoring system, when used in combination with our own intelligence resources, provides the means to verify the test ban effectively. Moreover, a quick vote in the Senate approving the treaty is an essential response to the South Asian nuclear gambit.

While it is true that American intelligence failed to provide imminent warning of India's first three nuclear tests on May 11, we were well aware that the technical preparations had been made for testing. Furthermore, the global network of seismic sensors that will form the core of the treaty's verification system did detect, locate and identify the main nuclear blast that day.

It is evident that the system also proved effective in detecting Pakistan's tests, both on Thursday and on Saturday. And the treaty calls for the monitoring system to be beefed up. Also, the treaty would allow us to request a short-notice, on-site suggesting that a nuclear weapons test might have occurred.

India has claimed that its last two announced tests, on May 13, had very low yields, in the subkiloton range. Whether or not we succeed in corroborating possible tests of such relatively small magnitude, we need to remember that very low yield tests are of questionable value in designing new nuclear weapons or confirming that a new design will work as intended. Any failure by the monitors to detect such tests is not the proper benchmark for determining the system's—or the treaty's—effectiveness.

I know from my own work for the Director of Central Intelligence, George Tenet, that the existing monitoring system did the job last summer, detecting a ''seismic event'' off Novaya Zemlya in Russia and eventually helping to determine that it was not from a nuclear test. Our intelligence services are rightly assigned the task of monitoring for nuclear explosions, with or without the treaty. But with the treaty, additional sensors would be deployed in a global network that would complement our own intelligence. Some of these additional sensors would be ''aimed'' at the subcontinent. And with the treaty, we could request onsite inspection of suspicious activities.

The test ban treaty—which has already been signed by 149 nations and ratified by our nuclear allies, Britain and France—provides the legal framework for a long-term solution to the problem of nuclear testing in India and Pakistan. The best way for these two nations to begin addressing the international condemnation and sanctions that have resulted from their tests is for them to sign the treaty, without condition. Senate ratification would strengthen our hand in pushing India and Pakistan toward a responsible course, and it would help dissuade other states from going down the dangerous road of developing nuclear weapons.

Senator Lott also expressed concern that the treaty ''will not enter into force unless 44 countries, including India and Pakistan, ratify it.'' Precisely for this reason, Article 14 of the treaty calls for a review conference in September 1999 to look for ways to put the treaty into effect if it has not been approved by all 44 nuclear-capable nations (i.e., those with nuclear weapons or with nuclear reactors for research or power).

Only those nations that have ratified will have a seat at that conference. Thus the United States must ratify the treaty this year if we are to be a leader, as we must be, in an effort to put the treaty into force.

Previous Senates have shown that they can act quickly and courageously on such matters. When President John F. Kennedy submitted the Limited Test Ban Treaty to the Senate in 1963, the Foreign Relations Committee held its first hearing four days later, and the treaty was approved by the full Senate in less than two months.

Yet in the wake of the Indian and Pakistani tests, it would appear that the Senate will not act even to bring the treaty to a vote. Inaction will not help to deter further nuclear tests or reduce nuclear dangers. Rather than pointing to India's and Pakistan's tests as an excuse for inaction, the Senate should be approving the treaty without delay.

Four decades ago President Dwight D. Eisenhower said that not achieving a nuclear test ban ''would have to be classed as the greatest disappointment of any administration—of any decade—of any time and of any party.'' It would be tragic if once more we fail to seize this opportunity.●

CONFLICT IN THE REPUBLIC OF GEORGIA

● Mr. BROWNBACK. Mr. President, the newspapers are full of Kosovo and Serbia, of India and Pakistan and of course, Indonesia. These threatening events have captured most of the headlines and have attracted the attention of the Administration in greater or lesser degrees. These are not trivial issues, and we cannot afford to ignore their importance for challenging US interests.

But another conflict rages that, while small, challenges US interests in ways that few other conflicts can: I am speaking of the conflict in the Republic of Georgia in the distant but strategically critical region of Abkazia.

And yet the stability in independent Georgia is one of the principal US interests in the former USSR and should be one of our overriding strategic goals. This is not just sentiment for one of the earliest Christian civilizations in a part of the world where Christian civilizations do not thrive: rather it is a clear statement of our own strategic interest and objectives.

Georgia is a NATO borderland and an entry point to the emerging new Silk Road. It is a key ally of our partner Turkey and is important in many ways: strategically, militarily, commercially. If Georgia were to become unstable, the entire region would be put in jeopardy.

Against overwhelming odds, Georgia has achieved strong positive economic growth in the last few years. It is one of the most stable of the post-Soviet states, with world-class leadership in President Eduard Shevardnadze. It is America's natural ally in a neighborhood that features Iran and Iraq.

Georgia is central to the successful development of what the new Silk Road from Central Europe to China. This ambitious project will eventually encompass pipelines, roads and railroads, airports and communications networks that stretch from Central Europe to China. This corridor will completely alter the economics and the politics of Eurasia in ways that we cannot now foresee, but which are certain to intersect US strategic interests in Eurasia in many places. The states of the Caucasus—Georgia, Azerbaijan and Armenia—lie at the very center of this new Silk Road. For the corridor to function, stability in these states is essential.

Not surprisingly, some people wish ardently to jeopardize America's interests in this region by threatening Georgia's stability, and they have fastened on a perverse way of doing so. the small, break-away region of Abkazia has been Russia's best available instrument to diminish Georgia's accomplishments and to imperil its remarkable gains. Russia is the only power to benefit from such activity. Let us not be timid in naming the problem: Russia is the problem, the aggressor and the single-most threat to stability in Georgia and the entire Caucasus.

Since the early 1990s, Russia, acting through Abkazia, has attempted to bring down Georgia. This is no secret. Virtually every expert to travel to the region reports the same thing: Russia is responsible for arming, training and sustaining Abkazia's so-called freedom fighters. Russia's support for the pro-Russian Abkazian leadership is barely disguised: Russia has funneled arms and support for more than six years into the Abkaz region of Georgia for one specific task: to destabilize the government of Eduard Shevardnadze so that Georgia will be unable to realize

its goals of being independent, of joining the community of free democratic nations, and of providing better lives—free lives—for the people of Georgia.

It is high time the Administration took a strong position on the subject of the Caucasus and of Georgia in particular. So far, it has not only failed to reign in Russian efforts against Georgia, but by this very failure, it has insured that the Russian-promoted destabilization efforts will continue.

Administartion apathy on this subject is best illustrated by the astonishing lack of urgency that the State Department ascribes to placing qualified and dynamic ambassadors in these countries. Georgia has been without a U.S. ambassador for well over six months. No candidate has yet been identified, let alone brought to the Senate for confirmation, despite persistent and forceful requests by President Shevardnadze and other key leaders in Georgia for such an appointment.

The Administration has also been supporting the Russian ''mediation'' of the Abkaz conflict: this policy must be reversed. Russian ''mediation'' consists of injecting Russian peacekeepers into the region to separate the Georgian and Abkaz combatants. Their behavior in the recent fighting in Abkazia shows their true intentions: the best case scenario shows that the Russian peacekeeping forces did nothing to interdict the flow of separatist personnel and heavy weaponry into the region where the fighting was taking place. The worst case scenario has them actually providing weapons to the Abkaz combatants. This is unacceptable.

Allowing continued Russian control over this situation is tantamount to inserting the fox's first cousin as a mediator between the foxes and the hens. The current situation insures that Georgia can only lose. It is time for the Administration to demand the removal of the bogus Russian peacekeepers, and to insist on their replacement by an independent force of peacekeepers. To do less is to acknowledge implicitly that Georgia remains within Russia's sphere of control.

This matter also raises the issue of the continued presence of Russian military bases in Georgia. They are there despite the overwhelming opposition of Georgian citizens. These bases were established at a time when Georgia was in no position to repulse Russian advances. Russia has no legitimate national security claim on Georgia. Russia is no less safe—indeed it is safer—with a Georgia that is free, independent, democratic and with free markets close to its southern border. These bases—from which the perpetrators of the assassination attempts on President Shevardnadze are reported to have fled—must be closed. The United States must not accept the notion that Georgian independence can only be secured by Russian power. Nothing could be more alien to the truth and to our national values.

Mr. President, it is time for the Administration to state unequivocally that the stability and survival of an independent Georgia is a fundamental U.S. interest. That Russia's collusion with the Abkaz is nothing less than Moscow's effort to maintain control over sovereign Georgia and will not be tolerated; and that it is time to put an end to Russian Trojan horses in Georgia—the phony Russian ''peacekeepers'' and the military bases that provide Russia with the means to threaten Georgia's future and to put U.S. interests at risk.●

TRIBUTE TO LAHAINALUNA HIGH SCHOOL OF MAUI, HAWAII

● Mr. AKAKA. Mr. President, I rise today to congratulate the students from Lahainaluna High School from Lahaina, Maui, who recently came to Washington, D.C., to participate in the national competition of We the People . . . The Citizens and the Constitution.

As you may know, We the People . . . The Citizen and the Constitution is a civic education program which seeks to develop young students into enlightened and capable citizens who understand and promote responsible participation in our democratic process. Students learn the history and principles behind our constitutional democracy through the use of the Declaration of Independence, the U.S. Constitution, and the Bill of Rights.

These young students competed against 49 other classes from across the Nation, demonstrating a youthful and enthusiastic interest in the fundamental ideas that are imperative for gaining a better understanding of our government. We the People is not only a competitive event, but it is also the most extensive civics program to reach more than 26 million students from elementary, middle, and high schools across the country.

I would like to recognize these fine students for their accomplishments: Iao Eisenberg, Tiffany Fujiwara, Jasmine Hentz, Erin Lockhard, William Myers, Leah Nakamura, Ryan Ott, Michael Prieto, Julie Reed, Sal Saribay, Justin Serrano, Jeffrey Shelton, Yee Ning Tay, and Kerri Tsubaki. I would also like to acknowledge the contributions of their teacher, Mrs. Ruth E. Hill, and the District and State Coordinators, Ms. Jane Kinoshita and Ms. Sharon Kaohi, respectively. Without their dedication and leadership, our students would be unable to participate in this important program.

Mr. President, I commend all the students and teachers who participated in this program, and particularly the students of Lahainaluna High School who represented Hawaii in the national competition. It is always heartwarming to see students actively engaged in the learning process. I wish the students and teacher of Lahainaluna High School the best as they continue to pursue their future endeavors.●

TRIBUTE TO THE MARSH BILLINGS NATIONAL HISTORIC PARK

● Mr. JEFFORDS. Mr. President, June 5, 1998, is a great day for Vermont and for the Nation as we open Vermont's first, and the Nation's newest, National Historic Park. On behalf of all Vermonters I want to welcome the National Park Service and express my deepest gratitude to Laurence and Mary Rockefeller for making this possible.

Vermonters have always drawn a special strength from the land. And as Vermonters, we have a responsibility to the land. I was proud to introduce for myself, Senator LEAHY and all Vermonters, the legislation that created this National Historic Park in 1991. A perfect ''Vermont scale'' National Park, its size fits our State's landscape, incorporating many of the most significant attributes about Vermont: our stewardship of the working agricultural and forest landscapes, our dedication to conservation, and our commitment and respect for our towns and communities.

Mr. President, the beauty and significance of this site will now forever receive the same recognition as our other great National Parks, such as Yellowstone, Grand Teton, and Gettysburg.

George Perkins Marsh, Frederick Billings, and Laurence Rockefeller's devotion and commitment to the issues of conservation, forest management, and agriculture have helped develop this nation's attitudes for how we treat and respect our lands. Private land owners throughout the country have followed the example of these distinguished leaders. Today, those who work and own the land, and hold true to the ideals of Marsh and Billings, are this Nation's most important stewards. The preservation and conservation of the Nation's working landscape, and historic and natural resources are increasingly important and yet are becoming more difficult to maintain. The Marsh Billings National Park will forever serve Vermont and the Nation as a model for conservation.

I salute Mary and Laurence Rockefeller for their vision in providing this park to the people of Vermont and the United States. The Rockefeller family has given future generations of Vermonters, indeed all Americans, access to a truly historic and beautiful site. This is only the most recent accomplishment in Mr. Rockefeller's more than 50 years of conservation leadership. Laurence Rockefeller was the first person ever awarded a Congressional Gold Medal for conservation work, and that award was richly deserved. I am proud to have been an original cosponsor of the legislation that granted him the award.

Mr. President, the people of Woodstock and the entire State of Vermont have lived a long time in harmony with the landscape. Our first national park not only recognizes the two founders of the American conservation movement,

it is a tribute to all Vermonters and to the Vermont way of life.●

IN MEMORY OF MABEL VIRGINIA JEWS

● Ms. MIKULSKI. Mr. President, I rise today to celebrate the life of Mabel Virginia Jews, a dedicated mother and a great educator who passed away on May 23, 1998. As we work to strengthen our Nation's families, I hope we can all find inspiration in the life of this remarkable woman.

In 1934, Mrs. Jews graduated from then Morgan State College and followed her undergraduate studies with a Masters degree from the former Salisbury State College in the 1960's. She lived most of her life on Maryland's Eastern Shore where she dedicated herself to education, both in her classrooms and in the life of her son, William Jews, Jr. As a teacher, Mrs. Jews taught English and home economics in junior high and high school where her patience and kindness taught students to feel comfortable about learning. In addition to her service as a schoolteacher, Mrs. Jews also worked as hospital administrator, Pentagon employee and property manager.

Mabel Jews believed in getting behind our kids, making her son and his education her top priority. Mrs. Jews focused her life's work on helping young Bill build an educational record that would give him the opportunity to attend any school in the country. I'm pleased to say he chose Maryland's Johns Hopkins University. As many of my colleagues know, Bill Jews is now the president of CareFirst Inc. and chief executive officer of Blue Cross and Blue Shield of Maryland. We can imagine how proud Mrs. Jews was of her son's success. She was a model mother who espoused the values we work to promote in our country's families.

Mr. President, I am honored today to pay special tribute to such an inspirational and important Marylander. Throughout her lifetime, Mabel Jews made vital contributions to the successful life of her son Bill, as well as to the lives and lessons of those who surrounded her. The great state of Maryland is fortunate to have been home to such a great woman.●

NATIONAL SMALL BUSINESS WEEK

● Mr. ABRAHAM. Mr. President, I rise today to mark National Small Business Week. This is the week when we honor, as we have for the past 35 years, the American entrepreneurs who have done so much to make ours a prosperous, thriving nation. America's 23 million small businesses employ more than half our country's private work force, create two of every three new jobs, and generate a majority of American innovations.

Mr. President, it would be impossible to exaggerate the contribution of small business to America's economy. Small business is our engine of economic growth. Small business-dominated industries produced an estimated 64 percent of the 2.5 million new jobs created during 1996. Small businesses also account for 28 percent of jobs in high technology sectors—the sectors of our economy pushing us into the future and keeping us competitive in world markets.

Small businesses also serve as the training ground for America's workforce, providing 67 percent of workers with their first jobs and initial on the job training in basic skills.

Small business is especially important in my own state of Michigan, where almost half a million small businesses and sole proprietors created every net new job in our economy from 1992 to 1996.

How did Michigan's small businesses accomplish this? Ask Pamela Aguirre of Mexican Industries in Michigan and Cheryl Hughes of C&D Hughes. Both these women are being honored by the Small Business Administration for their efforts in expanding their small businesses against great odds through hard work, perseverance and devotion to quality.

Ms. Aguirre has taken the eight employee leather and soft trim automotive products manufacturer she inherited from her father and turned it into a 1,500 employee eight plant corporation with 1996 sales of $158 million. Her company had plants in Detroit empowerment zones before they were empowerment zones. Hundreds of local residents have found training, skills and careers thanks to her.

Cheryl Hughes started running her highway construction company in 1980 out of her home. Now, after weathering reductions in federal highway funding, C&D Hughes employs 60 people, has achieved annual sales of over $7 million, and is recognized as one of the fastest growing privately held companies in Michigan.

Entrepreneurs like Pamela Aguirre and Cheryl Hughes deserve our respect, Mr. President. Their efforts make their communities and our nation better and more prosperous. By providing jobs they help people learn skills and build lives for themselves and for their families.

But they also need our help. If small business owners like Pamela Aguirre and Cheryl Hughes are to continue to grow and to provide good jobs to millions of Americans, they must be freed from excessive federal regulations and mandates, and from frivolous lawsuits that drive up the cost of insurance and can drive a small business owner into bankruptcy.

For example, Mr. President, current regulatory costs are staggering—$647 billion in 1994 according to the General Accounting Office. Our small businesses cannot afford to bear this kind of burden. What is more, many small companies refuse to grow because doing so would subject them to a number of costly, unnecessary regulations.

The answer, in my view, is real-world cost benefit analysis. No one wants to put our families and children at risk from unsafe products or procedures. But the federal government must implement strict policies seeing to it that scientific data is used to determine whether any proposed regulation will cause more harm than good—to people, to the economy and to small business.

In addition, Mr. President, Washington too often imposes unfunded mandates on America's job creators. The benefits of government programs are there for all to see. But the costs imposed by these programs on workers, consumers, and small businesses are not so clear. Reduced wages, increased prices and stagnant growth all can result from unfunded federal mandates. That is why I believe it is crucial that we institute mandate reform legislation that would direct the Congressional Budget Office to study the effects of proposed private sector mandates on workers, consumers and economic growth, and provide a point of order allowing members to call Congress' attention to these costs.

Finally, Mr. President, entrepreneurs increasingly are being forced out of business, or deciding not to go into business for themselves, out of fear of lawsuits. One recent Gallup poll reported that fear of litigation has caused 20 percent of small businesses not to hire more employees, expand their business, or introduce new products. And that figure does not include those who have decided not to go into business at all.

The culprit is the frivolous lawsuit. The stories are well-known: A Northridge, California woman claims damages from a store after she pulled out the bottom box in a blender display stack and brought it down on her. A former smoker in Seattle sues a supermarket and Washington dairy farmers for failing to warn him that a lifetime of drinking whole milk might clog his arteries and cause him to have a heart attack. A teenager in Nashau, New Hampshire sues the manufacturer of a basketball net after he attempts a slam dunk and looses two teeth when they get caught in the net.

We must put a stop to this lawsuit abuse before it stifles our economic growth, innovation and entrepreneurial spirit. Ideally, we would pass legislation discouraging all frivolous lawsuits. Unfortunately, while we have tried several times to enact broad-based legal reform, the President has successfully opposed it. That is why I have sponsored the ''small business lawsuit abuse protection act.'' For small businesses, this legislation will limit the punitive damages that can be awarded against the company. Punitive damages would be available only if the injured party proves convincingly that the harm was caused by the small business through at least a conscious, flagrant indifference to the rights and safety of others. And punitive damages would be limited to the lesser of

$250,000 or two times the compensatory damages awarded for the harm.

The bill also would limit joint and several liability for small businesses. This doctrine, according to which a company that caused, say, two percent of the harm could be held liable for the full amount of damages, has forced many companies related to an accident tangentially if at all (including, for example, Mr. Van de Putte) to pay the entire amount of the settlement because others are bankrupt or otherwise not subject to being sued. Under this legislation a small business would be liable for pain and suffering and any other noneconomic damages only in proportion to its responsibility for causing the harm. They would still be fully, jointly and severally liable for economic damages.

For the sake of our small businesses, and for the sake of the millions of Americans who rely on those small businesses for goods, services, training and jobs, we must address the costs Washington and our broken civil justice system impose on entrepreneurial activity and business growth. It is my hope that National Small Business Week will provide all of us with the opportunity to reflect on the tremendous debt we owe the entrepreneurs of our country and that we will do our best to encourage them to continue making life better for all Americans.●

CELEBRATION OF JUNE DAIRY MONTH

● Mr. FEINGOLD. Mr. President, I rise today to celebrate National Dairy Month and the great history of the dairy industry in our nation. As many of you know, even before the inception of National Dairy Month, in 1937, Wisconsin was historically the national leader in milk and cheese production. Even today, Wisconsin leads the nation in cheese volume and variety, offering more than 300 varieties, types and styles of cheese.

Mr. President, during June Dairy Month, we celebrate America's dairy industry and Wisconsin dairy's proud tradition and heritage of quality. It provides Wisconsin's dairy farmers a special time to reflect on their accomplishments and those of their ancestors, and to look forward to continued success in the future.

As I mentioned, Mr. President, Wisconsin was nicknamed America's Dairyland in the 1930s, but it became a leader in the industry soon after the first dairy cow came to Wisconsin in the 1800's. This year's celebration of National Dairy Month, is especially important for the people of my home state of Wisconsin because this is also the year we are celebrating our sesquicentennial—150 years of Wisconsin statehood. Dairy history and the state's history have been intertwined from the beginning. Why, before Wisconsin was even declared a state, Ms. Anne Pickett established Wisconsin's first cheese ''factory'' when she combined milk from her cows with milk from her neighbor's cows and made it into cheese.

Other Wisconsin dairy firsts include: the development of Colby cheese in 1874, the creation of brick cheese in 1875, the first dairy school in America-established in 1891 at the University of Wisconsin at Madison, the first statewide dairy show in the U.S. in 1928, and the creation of the world-record holding 40,060 pound, Grade-A Cheddar cheese in 1988. And Wisconsin also can claim one of the best-tasting inventions in the history of dairy industry: the creation of the first ice cream sundae in 1881.

Wisconsin cows produce more than 22.4 billion pounds of milk a year, nearly 90 percent is processed into cheese and other products. Wisconsin leads the nation in the production of cheese and are the top producer of many varieties including Cheddar, American, Muenster, Brick, Blue and Italian—not to mention the ONLY U.S. producer of the famous Limburger cheese variety. Also, Wisconsin buttermakers produce nearly 25 percent of America's butter supply.

National Dairy Month is the American consumer's oldest and largest celebration of dairy products and the people who have made the industry the success it is today. During June, Wisconsinites will hold nearly 100 dairy celebrations across our state, including dairy breakfasts, ice cream socials, cooking demonstrations, festivals and other events. These events are all designed to make consumers aware of the quality, variety and great taste of Wisconsin dairy products and to honor the producers who make it all possible.

I am proud to honor this great American tradition—proud to honor the dairy producers not only in Wisconsin, but also those across this great nation.●

TRIBUTE TO KAIMUKI INTERMEDIATE SCHOOL

● Mr. AKAKA. Mr. President, it is with great pride that I rise today to honor the students, teachers, staff, administrators, parents, and supporters of Kaimuki Intermediate School from Kaimuki, O'hau for their achievement in receiving the prestigious Blue Ribbon Schools award. This year, Kaimuki Intermediate School was one of the schools selected from hundreds of secondary schools across the nation to receive this award. It is a reflection of the administration's, teachers', and staff's determination to provide an excellent educational environment for their students.

The U.S. Department of Education presents the Blue Ribbon Schools award to schools that have excelled in leadership, community involvement, environmental awareness, and a continuous desire to overcome the barriers that impede a quality education. This award is one of the most prestigious educational awards in the nation. Schools that receive this recognition provide a challenging education for their students, strive to maintain a clean and healthy environment, develop and maintain family relations, and recruit and maintain high caliber teachers.

Mr. President, it is no surprise that Kaimuki Intermediate School, which challenges students academically, has been chosen for such an honor. Students are given numerous opportunities to expand their interests and talents by participating in committees, including School Community Based Management (SCBM) and the Student Activities Council (SAC). These committees enable students to participate in the administrative process of their education and allow them to contribute ideas to improve school activities and develop ideas that could further benefit their education.

The students at Kaimuki Intermediate School have had many accomplishments. One student traveled to Washington, D.C., to compete in the national math competition. The eighth grade girls basketball team won first place in their league, and other students participate in a wide range of activities like intermural and extramural sports, band, and math competitions. Indeed, Kaimuki Intermediate School has excelled in their effort to provide students with a well rounded education.

Mr. President, I am proud to rise today to recognize everyone who has contributed to making this award a reality, and congratulate the faculty and staff and, most importantly, the students of Kaimuki Intermediate School for a job well done.●

PATRICIA RUSSO

● Mr. DODD. Mr. President, later this month the State of Connecticut will say good-bye to one of its strongest and most respected voices on women's issues: Patricia Russo. Known by her friends as Pat, Ms. Russo has worked for the past 18 years to promote civil rights for women, assure equality in education for girls, and help women achieve economic parity in the workplace. This July, Pat will be moving with her family to Tokyo, and she will be dearly missed.

Pat Russo has served on the Permanent Commission on the Status of Women (PCSW) for the past 15 years. She currently serves as the Chairperson of this agency, which provides research and analysis to legislators and state leaders on issues such as sex discrimination, child care, sexual harassment, child support enforcement and the economic status of women.

On behalf of the PCSW, Ms. Russo is the founder of the Connecticut Women's Agenda, a state-wide coalition of key women's organizations in Connecticut. She also chairs the PCSW's Congressional District Advisory Council (CDAC) in the fourth congressional district.

Ms. Russo's work on behalf of ending violence against women earned her a seat on the 1997 Task Force to Study Domestic Violence, along with the Attorney General and other state leaders.

In addition to her work at the PCSW, Ms. Russo also serves on the Advisory Board of Woman magazine and the Advisory Council of the Rape and Sexual Abuse Crisis Center. She was recently appointed to the Board of Directors of the National Association of Commissions for Women (NACW). She is also President of the Women's Business Development Center of Connecticut, a new agency that moves women from welfare to work.

Pat Russo's leadership has earned her numerous awards, including the prestigious Hannah G. Solomon award, given by the National Council of Jewish Women, and the distinction of ''Woman of the Year'' by the Business and Professional Women of Connecticut.

In 1997, Ms. Russo was named to the Racial Justice Committee of the YWCA of Greenwich, and is an honorary member of the American Association of University Women, in celebration of her 20 years of activism on behalf of Connecticut women.

I have known Pat personally for many years and worked with her on many important issues. I have always found her to be extremely capable and completely dedicated to improving the quality of justice for women in this country. She is truly a remarkable individual, and I am sad to see her go. I wish her only the best as she leaves for Japan and in all of her future endeavors.●

U.S.-PHILIPPINE RELATIONS

● Mr. ABRAHAM. Mr. President, I rise today to cosponsor a resolution offered by my colleague the Senator from Hawaii, Mr. AKAKA. This resolution commemorates 100 years of relations between the people of the United States and the people of the Philippines.

100 years ago, Mr. President, the Philippines gained their independence from Spain. This was the beginning of a long and fruitful relationship between our two countries and our two peoples.

The people of the Philippines have shown a strong commitment to free government, individual liberty and a market economy. Over the last 100 years they have worked hard to establish democratic institutions and to develop a thriving free market economy.

The Philippines has served as an important ally to the United States, protecting the peace and security of South Asia as it provided an example of the human desire for freedom.

What is more, Mr. President, Filipino soldiers have fought side by side with American troops in World War II, Korea and Vietnam. The people of the Philippines have shown themselves to be strong and loyal friends of America.

The significant number of Filipinos who have come to the United States also have made great contributions of our nation through their culture and their individual initiative.

The Philippines has become a major trading partner for the United States and remains a strong ally in our efforts to maintain regional stability.

It is my hope that our two nations will enjoy another 100 years of mutual respect and support, and that my colleagues will join me in congratulating the Philippines on the anniversary of its independence from Spain.●

U.S. SPECIAL FORCES TRAINING

● Mr. LEAHY. Mr. President, several months ago, as the conflict in Indonesia escalated, United States Special Forces training of Indonesian troops came under intense scrutiny. As journalists and human rights groups compiled and publicized allegations of torture, disappearances and killings by ''Kopassus,'' an Indonesian special forces commando group, and other Indonesian military units, the Defense Department was conducting joint exercises with some of these same forces. It was only several weeks ago that Defense Secretary Cohen suspended the program because of instability in the country.

The training of U.S. Special Forces on foreign soil provides a valuable opportunity for our soldiers to learn how other militaries operate and to familiarize themselves with different cultures, climates and terrain. They need to be able to operate in the most difficult conditions. However, while the program benefits our soldiers, it also provides training to foreign security forces. And sometimes those forces have a history of involvement in human rights violations. Unlike the International Military Education and Training (IMET) program which screens foreign participants for any involvement in human rights violations, the Special Forces program, which conducted training exercises in 102 countries in fiscal year 1997, apparently does not. No credible effort is made to screen prospective foreign participants. If there were, there is no way this training would be conducted with Kopassus, which has been implicated in a pattern of torture and extrajudicial killings dating back many years.

A May 25, 1998 article in the Washington Post describes how the Special Forces program in Colombia has continued to operate and maintain close relationships with foreign security forces there despite the Colombian army's abysmal human rights record, pervasive allegations of drug-related corruption and accusations linking the armed forces with paramilitary killings of civilians. Just as in Indonesia, where Special Forces training continued despite a congressional cutoff of IMET assistance due to human rights concerns, the Special Forces training program in Colombia, funded by the Department of Defense, continued in 1997 even though our aid to the Colombian army was withheld on account of a human rights provision in our Foreign Operations law.

I do not oppose Special Forces training. Our soldiers need the experience. But we also need a consistent human rights policy. The human rights procedures that have been applied to the IMET program are far from foolproof, but they do help reduce the chance that the foreign forces we train have been involved in human rights abuses. These same screening procedures should apply to training conducted by U.S. Special Forces.

Mr. President, a country is judged, in part, by the company it keeps. By failing to establish a clear, transparent and comprehensive policy that governs all our military training programs and adequately takes into account human rights considerations, the United States, and our soldiers, will continue to be implicated in the atrocities of those we train.●

RELEASE OF ''UNDER THE RUG: SUBSTANCE ABUSE AND THE MATURE WOMAN''

● Ms. MIKULSKI. Mr. President, today I joined former First Lady Betty Ford, former HEW Secretary Joe Califano, and Congresswoman NANCY JOHNSON to release the first national, comprehensive study of the abuse of alcohol, cigarettes, and psychoactive prescription drugs by women over age 59. The study found that in 1998, substance abuse by mature women will trigger more than $30 billion in health costs—$10.1 billion in inpatient hospital bills, $12.2 billion in nursing home bills, and $7.7 billion for physician services and home health care.

I would like to pay a special tribute to Mrs. Ford. Her courage and her gallantry has given hope to others who have faced similar if not identical problems. By speaking out and by facing her own problems with the love and support of her family, she gave those who have less power, or maybe less love, the strength to do what she did. Mrs. Ford, Liz Taylor, Ann Richards, I think we really owe a debt of gratitude to them, and we owe a debt to every well-known woman in our society who has been willing to step forward, speak up and speak out about the dangers of older women and substance abuse.

I'd also like to pay tribute to President Ford for the courage to organize a family intervention. Thank you for showing us that when a man really loves a woman, sometimes you need tough love. If Mrs. Ford had had a heart attack, Mr. Ford would have been the first one there with CPR. His intervention was the CPR of substance abuse.

Today's findings address a problem hidden in the shadow for too long. Mature women who struggle with depression and loneliness and fight them with drugs and alcohol today know they are not alone. This study shines the bright light of research and knowledge to take this problem out of the shadows.

It is the first step to help mature women get help from doctors, from family, and from friends. It is the first step to help grown men and women identify the warning signs of addiction, not just with their own kids, but with their parents. It is startling and troubling that mature women are more likely to be hospitalized for substance abuse than for heart attacks.

In Maryland in 1996, 285 mature women sought help for substance abuse in certified treatment centers, 230 in 1997. Thousands more are too scared, too sick, or too alone to seek out care they need. This study can help them. And it can help America.

I have been a life-long fighter for mature Americans. I believe ''honor your mother and father'' is not just a good commandment, it's good public policy. That's why I am such a big supporter of research like today's study. This study not only highlights a big problem, it highlights opportunities to make good public policy.

If we can end substance abuse among the elderly, we can lower financial costs for Medicaid and Medicare. More importantly, we can lower the emotional cost to women and families. We can't let a blanket of shame and denial blind us to problems that we can and should solve.

I support more research to help protect seniors from scams, from poverty, and from threats to their health. I send thanks to Bristol-Myers Squibb and to the National Center on Addiction and Substance Abuse for revealing this troubling problem and helping to create solutions.

Today's research, which focuses on women and seniors, is one big reason I am a big supporter of NIH. Women's health has made great headway with NIH. In 1990, Congresswomen CONNIE MORELLA, Pat Schroeder and I showed up on the steps at NIH to launch what we hoped would be a women's health initiative. Through our efforts, the Office of Women's Health Research was established so that women would no longer be left out of clinical trials and research protocols. I am pleased that we are now seeing more and better research on women's health.

I am sending this report to Dr. Varmus, Director of NIH with my endorsement and with my request that NIH expand its research on alcohol and drug abuse by mature women. Today's study is a shining example of what can get done with attention and money and more women in the House and Senate.

I would ask all my colleagues, men and women, Democrat and Republican, House and Senate, to read the executive summary of ''Under the Rug: Substance Abuse and the Mature Woman'', which I will send to them. We shouldn't play politics with women's lives, and we shouldn't play politics with the lives of the mature women and their families who are trying to cope with the terrible problems of substance abuse.

BEVERLY GIBSON

● Mr. BAUCUS. Mr. President, I rise today to honor an outstanding Montanan, Beverly Gibson. She will retire June 30 after twenty years as assistant director of the Montana Association of Counties and nearly 30 years of outstanding public service to her State. Through her work I believe Bev knows almost everyone involved in county government in the State, and those of us who have had the great fortune to know her stand in awe of this great lady's achievements.

Montana-born and journalist by training, Bev has been the heart and soul and living history of MACO since its very early expertise have touched many lives. In a State like mine, with its vast area and sparse population spread over 56 counties, local government is the lifeblood of politics. Bev is the real champion in this arena.

At MACO Bev is known as the person who gets things done. Twice a year, MACO holds statewide meetings and she was always the first to get there and welcome everyone. She would research all the issues, staff committees, act as official photographer, coordinate speakers and agency representatives and was the last to say goodbye. Can you imagine doing that for 168 commissioners of different parties? I honestly don't know how the organization will get along without her, except that she is leaving an incredible legacy that will brighten the way for others.

As she retires, I want to wish her much joy, health and happiness. And I also want to say thanks, Bev, for a job well done and for a real service to Montana.●

COMMEMORATION OF PRO-DEMOCRACY ACTIVISTS OF 1989

● Mr. FEINGOLD. Mr. President, I rise today to join in marking the ninth anniversary of the Tiananmen Square Massacre, a tragic day when a still unknown number of Chinese—some say hundreds, others, thousands—died at the hands of the People's Liberation Army, and perhaps thousands more were placed in detention.

Despite this monumental tragedy, China's leaders remain unwilling to reexamine the events of June 4, 1989. Indeed, they would like nothing more than to have Tiananmen fade from the world's memory.

But today, the spirit of Tiananmen lives in our memory in the strongest way. We have recently welcomed to the United States two key pro-democracy leaders who were released from Chinese prisons. But as lucky as we are to have Wei Jingsheng, Wang Dan, and others in our midst, we are all well aware that they are not yet free; they remain in the United States because they cannot return freely to their homeland.

Moreover, at least 158 people remain in prison for their role in the 1989 demonstrations. Certainly for these people and their families, Tiananmen remains a part of daily life.

For those of us who are concerned about human rights in China, the very date of June 4th remains a powerful reminder that the Chinese Government has not changed.

But despite the lack of progress, the executive branch of our government continues to pursue a policy of constructive engagement with China, a policy that will be capped off by the President's visit to Beijing at the end of the month. This upcoming summit is yet another in a long line of unwise steps that the Administration has taken with respect to China. I have generally opposed all of these steps because I do not see that progress has been achieved on human rights in China. This includes the October 1997 state visit of Chinese President Jiang Zemin. That was a mistake. We should challenge China's leaders rather than toast them.

The failure of the United States to sponsor a resolution condemning human rights abuses in China and Tibet at the most recent meeting of the United Nations Commission on Human Rights was also a mistake. The Administration made this decision despite the overwhelming support in the Senate of a resolution that urged the United States to ''introduce and make all efforts necessary to pass a resolution'' at the Commission on Human Rights. I was proud to co-sponsor that resolution.

As we all know, for the past few years, China's leaders have aggressively lobbied against resolutions at the UN Human Rights Commission earlier and more actively than the countries that support a resolution. In 1997, China threatened Denmark, which had made a difficult and courageous decision to sponsor a resolution on human rights in China. This year, Chinese officials played a diplomatic game with various European governments, and succeeded in getting European Union foreign ministers to drop any EU co-sponsorship of a resolution.

The complete failure of the United States and the EU to push for a resolution at the Commission was, in my mind, gravely unfortunate. The multilateral nature of the Commission makes it an appropriate forum to debate and discuss the human rights situation in China. By signing international human rights treaties, China has obliged itself to respect international human rights law. One of the basic purposes of the Commission is specifically to evaluate China's performance with respect to those commitments. The Commission's review has led to proven, concrete progress on human rights elsewhere, and the expectation has been that such scrutiny would lead to concrete progress in human rights in China, but China's rulers cynically ignore their legal and moral duty to respect the human rights of their own citizens. And they do it with impunity.

Despite China's announcement last year that it would sign the United Nation's Covenant on Economic, Social

and Cultural Rights and take a few other token steps, I see no evidence of real human rights improvement on the ground in China. The fact that human rights conditions in China are growing worse, not better, demands that human rights continue to be a top priority in our China policy—but it is not a priority, and the rulers in Beijing know that.

Nearly four years after the President's decision to de-link most-favored-nation status from human rights—a decision I have always said was a mistake—we cannot forget that the human rights situation in China and Tibet remains abysmal. Hundreds, if not thousands of Chinese and Tibetan citizens are detained or imprisoned for their political and religious beliefs. The press is subject to oppressive restrictions. And monks and nuns in Tibet are harassed for showing reverence to the Dalai Lama.

In a well-quoted sentence, the most recent State Department human rights report notes that ''the Government of China continued to commit widespread and well-documented human rights abuses, in violation of internationally accepted norms, including extra-judicial killings, the use of torture, arbitrary arrest and detention, forced abortion and sterilization, the sale of organs from executed prisoners, and tight control over the exercise of the rights of freedom of speech, press and religions.'' If that shameful litany is not grounds for a tougher policy, please, somebody, tell me what is!

Today, on the ninth anniversary of one of the most traumatic events in the modern history of China, we remember the courageous people who stood before the tanks, who gave their lives for bravely choosing to express their notions of freedom and breathed their last on the bloody paving stones of Tiananmen, and we honor those heroes who continue to take risks to struggle for real change in China and Tibet.

It is unfortunate, then, that the President's proposed trip to Beijing, which will take place in just a few weeks, will send the wrong signal—not only to China's leaders, but also to those in China and Tibet who have worked so tirelessly to achieve the basic freedoms that we, as Americans, take for granted. In particular, in a move that almost adds insult to injury, the President has agreed to stage his arrival ceremony in Tiananmen Square itself.

If ever a moment cried out for a gesture, Mr. President, that will be the moment. That will be the chance for our President to restore some small moral weight to our China policy.

Mr. President, if the President of the United States feels he must go to Beijing, if he feels he must go there this month, a month when we remember and honor the heroes of Tiananmen, and if he feels he must visit the site of that horrible 1989 massacre, I hope he will take the time to visit with the families of the victims—a suggestion I made to Assistant Secretary of State Stanley Roth in a recent Senate Foreign Relations Committee hearing.

Finally, it is imperative that throughout his visit to China, the President send a clear unequivocal message about the importance of human rights, of the rule of law and of democracy. The students at Tiananmen erected a goddess of democracy. Our China policy worships trade and pays short shrift to the ideal of freedom. Our policy has got to change.

We owe as much to the victims, to the champions of democracy in China today, and to the American people.●

SENATOR PELL ON CUBAN POLICY

● Mr. REED. Mr. President, I rise today to submit an editorial on U.S. policy toward Cuba written by my esteemed predecessor, the Honorable Claiborne Pell. The editorial was printed in the May 5, 1998 edition of the Providence Journal Bulletin.

Senator Pell served in the United States Senate for thirty-six years. While in the Senate, he served as Chairman of the Committee on Foreign Relations for eight years. Senator Pell's remarkable career also included eight years of service as a State Department Official and Foreign Service Officer as well as the United States Representative to the 25th and 51st Sessions of the United Nations General Assembly. Senator Pell's positions have taken him to Cuba on three occasions, most recently in early May. Senator Pell's observations of American foreign policy toward Cuba have led him to the conclusion that continuing the 38 year embargo on Cuba will not destabilize the Castro regime and is hurting the Cuban people.

In his editorial, Senator Pell makes a number of insightful points. I hope all my colleagues will take the opportunity to read this piece by an expert in foreign relations and seriously consider his observations regarding relations with our neighbor.

Mr. President, I ask that the editorial from the Providence Journal Bulletin be printed in the RECORD.

The editorial follows:

[From the Providence Journal-Bulletin, May 5, 1998]

OUR CUBA POLICY HAS NOT WORKED

One can only hope that the small but significant changes in U.S. policy toward Cuba that President Clinton announced in late March portend more sweeping changes in the months ahead toward a more rational, more self-interested and more effective U.S. policy.

Having just returned from a five-day visit to Cuba with a distinguished group of Americans, I am more convinced than ever that our existing policy, built around the 38-year-old embargo of Cuba, simply doesn't work.

The embargo upsets the Cuban government and hurts the Cuban people, but, from our discussions with an array of Cuban government officials, religious and dissident leaders and foreign diplomat observers, one thing emerged clearly: The Cuban economy is strong enough to limp along for the foreseeable future. There is no evidence at all to suggest that U.S. economic sanctions are any more likely to destabilize the Castro regime in the near future than they have been over the past 38 years.

Cuba is now some six years into what the regime euphemistically calls the ''special period,'' the time of economic distress that began with the collapse of the Soviet Union. Cuba lost its preferential trading arrangement with Moscow and the other former communist republics of Eastern Europe, and was left to fend for itself.

If U.S. economic pressure was ever to work, that was the time. But Cuba has muddled through. In moves that must have been bitter pills for Castro to swallow, Cuba ''dollarized'' its economy, allowed private farmers' markets and other small-scale private enterprises, and offered more favorable terms for foreign investment.

As a result, the Cuban economy, in free fall during 1993, has started to come around. The evidence abounds in Havana. Not only tourists, but all Cubans can purchase an array of consumer goods in ''dollar stores'' that are prevalent in Havana. When we asked one government official how Cubans with no access to dollars can survive, he shot back: ''Who doesn't have dollars?''

One exquisite irony is that this dollar-focused Cuban economy is now in part propped up by an annual deluge of dollars, estimated at $600 million to $1 billion, that arrives in Cuba from the United States, primarily from Cuban-Americans anxious to make life easier for their relatives. Whatever pain the embargo causes is offset by this dollar flow, which they will likely increase with the restoration of legal remittances.

Tourism has expanded greatly since I last visited Cuba 10 years ago, and brings both much needed hard currency and less desirable consequences, including prostitution, which seems widespread in parts of Havana after dark. Our delegation visited only Havana and we were told that times are tougher in the smaller cities and the countryside. But the Cuban economy has clearly recovered and, while it could benefit from many more reforms, there is no sign it will collapse.

Cuba is still very much an authoritarian state with tight state control over all aspects of society, including public debate. One day, I visited a showplace medical campus where very interesting neurological research is being conducted. The center was equipped with what appeared to be sophisticated computers and has its own ''web site.''

Next, I sat with a group of dissidents and asked about their access to the Internet. ''We can't use the Internet,'' one said. ''We cannot even have computers; they just take them away.''

Yet I felt a much greater openness in Havana this time than in my last visit, and certainly than in 1974, when Sen. Jacob Javits (the late U.S. Republican senator from New York) and I were among the first members of Congress to visit since the revolution. Back then, we were shadowed everywhere we went, were confident our hotel rooms were bugged, and sensed a real oppressiveness in the city. In those days, the infamous Committees for the Defense of the Revolution were an effective neighborhood spy network; today, they seem more a network of aging busybodies. Havana is certainly not a free city, but it has a liveliness and verve that startled me.

On this trip, everywhere we went people still were abuzz about the visit of the Pope. Church leaders do not know yet whether the visit, of which virtually all Cubans seemed immensely proud, will lead to much greater openness. But colleagues of mine went to Mass on Sunday at a Jesuit church in a rundown section of the city, and described a vibrant community with an abundance of

young adults worshipping with pride and intensity. The dissidents we met reported that a substantial number of political offenders have been freed and the atmosphere seems to them ''more relaxed.''

Cuba's repressive communist regime has survived, if not thrived, for 38 years in economic isolation from the United States. When a policy has failed that long, isn't it time to try something else? In my view, a policy of contact, trade, cultural exchanges and dialogue, just as we had with the communist states of Europe, could well lead to a more open, free-market economy and more political diversity in Cuba. Even if it doesn't, it won't be any less effective than the policy we've been following these past 38 years.●

EXPRESSING THE SENSE OF THE SENATE ON THE NINTH ANNIVERSARY OF THE MASSACRE OF PRO-DEMOCRACY DEMONSTRATORS ON TIANANMEN SQUARE

Ms. COLLINS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of a Senate resolution at the desk which would express the sense of the Senate on the ninth anniversary of the massacre of prodemocracy demonstrators on Tiananmen Square in China. I ask further consent that the resolution be agreed to, the preamble be agreed to, and that the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Ms. COLLINS. Mr. President, I find myself in the awkward position of having to object to consideration of my own resolution. I want to make this clear that I am doing this solely as a courtesy to the Democratic leader.

The PRESIDING OFFICER. Objection is heard.

Ms. COLLINS. Mr. President, I am really surprised and shocked that apparently there is objection on the Democratic side of the aisle to consideration of this important resolution. I had hoped that we would consider this evening a resolution expressing the sense of the Senate upon the ninth anniversary of the tragic massacre of Chinese students in Tiananmen Square on June 4, 1989.

My resolution, had I been permitted to proceed with it this evening, was cosponsored by the distinguished majority leader, by the Senator from Arkansas, Senator HUTCHINSON, and by the Senator from Michigan, Senator ABRAHAM. Regrettably, my colleagues from the Democratic side of the aisle have blocked consideration of this resolution. I would, however, like to take a moment to explain why I consider it to be very important.

Mr. President, 9 years ago, thousands of students were peaceably assembled on Tiananmen Square in Beijing, peacefully protesting their government's refusal to permit them even the most basic freedoms of expression, association, and political activity.

As a symbol of their hopes and aspirations for a democratic China, these students constructed a scale model of our own Statue of Liberty. It was to them, as it is to us and to untold millions around the world, a symbol of freedom's promise for people everywhere. Quoting Thomas Jefferson, these brave Chinese students spoke eloquently of the need for China to develop democratic institutions, and finally to allow a degree of political progress to match its dramatic economic change and development in recent years.

Nine years ago today—today—the excitement and the promise of this Chinese democracy movement were extinguished as troops and armored vehicles were ordered into action against the peaceful students. Mr. President, it may never be known exactly how many died in the resulting bloodbath, but hundreds of Chinese demonstrators were certainly killed and many thousands more were arrested for so-called counterrevolutionary offenses that consisted only of attempting to assert rights that it is the duty of civilized governments everywhere to observe, protect and promote.

I am wearing, Mr. President, a ribbon to commemorate just one of those political prisoners from that very sad period.

I had hoped to introduce and have the Senate pass this resolution to make very clear to everyone in this country and, indeed, around the globe that the U.S. Senate has not forgotten what occurred in Tiananmen Square 9 years ago today.

Mr. President, my resolution sought to do no more than to make clear that what occurred on June 4, 1989, was profoundly wrong and that we should not permit ourselves or our Government ever to forget this. This resolution would have merely expressed the sense of the Senate that our Government should remain committed to honoring the memory and the spirit of the Chinese citizens who died on Tiananmen Square and that assisting China's peaceful transition to democracy should be a principal goal of our foreign policy.

Mr. President, it is important that we remember Tiananmen Square today precisely because we do enjoy increasingly close ties with the regime in Beijing. Relations with the People's Republic of China are—and must—be a continual balancing act. The memory of Tiananmen Square should help us find the appropriate bounds, preventing us from giving way to a wholly unchecked enthusiasm in U.S.-Chinese relations by disregarding the fundamental nature of the regime with which we are dealing. China is not a democracy, after all, and its government still has few qualms about using armed force to suppress the legitimate aspirations of its people for basic liberties.

I do not expect democracy to flower overnight in China. But it is today quite clear that China is capable of democracy. The very strength of the student movement that Communist authorities tried to crush on Tiananmen Square nine years ago attests to the powerful appeal that democracy and human rights have in China. The successes of pro-democracy candidates in Hong Kong's recent elections also attest to how strong democratic ideals can be in China when not suppressed by autocrats intent upon preserving their own power and privileges. Most of all, the new and thriving democracy on Taiwan stands as the clearest indication that the phrase ''Chinese democracy'' is not an oxymoron. In fact, the phrase ''Chinese democracy is a ray of hope for a quarter of our planet's population.

This is why it is important always to keep Tiananmen Square in our minds as we pursue our ''engagement'' with China. While we cannot ignore China and its huge population, neither can we ignore the human rights abuses committed by its government. Sound public policymaking is about pragmatism, but it is about the pragmatic pursuit of principles. Without principle, pragmatism is no more than a fraud, a process that lacks a purpose; there is no substitute for an underlying moral compass. This is why I very much wanted to introduce my resolution today: in U.S.-China relations, the memory of Tiananmen Square is one of the cardinal points on our moral compass, without which we cannot navigate.

I ask unanimous consent that the text of the resolution I would have introduced be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. RES.—

Whereas in the spring of 1989, thousands of students demonstrated in Tiananmen Square in Beijing in favor of greater democracy, civil liberties, and freedom of expression in the People's Republic of China (PRC);

Whereas these students' protests against political repression in their homeland were conducted peacefully and posed no threat to their fellow Chinese citizens;

Whereas on the evening of June 4, 1989, these students were brutally attacked by infantry and armored vehicles of the People's Liberation Army (PLA) acting under orders from the highest political and military leadership of the PRC;

Whereas hundreds of these students were killed by the PLA in Tiananmen Square on June 4, 1989 for offenses no more serious than that of seeking peacefully to assert their most basic human, civil, and political rights;

Whereas many of the leaders of the student demonstrations thus attacked were subsequently imprisoned, sought out for arrest, or otherwise persecuted by the Government of the PRC;

Whereas during or shortly after the brutal assault of June 4, 1989, at least 2,500 persons were arrested for so-called ''counter-revolutionary offenses'' across China and dozens of persons were executed;

Whereas the Chinese government has never expressed regret for its actions on June 4, 1989, still imprisons at least 150 persons in connection with the Tiananmen Square demonstrations, and has continued to deny its citizens basic internationally-recognized human, civil, and political rights;

Whereas the Government of the PRC, as detailed in successive annual reports on

human rights by the United States Department of State, still routinely and systematically violates the rights of its citizens, including their rights to freedom of speech, assembly, worship, and peaceful dissent; and

Whereas the Tiananmen Square Massacre has become indelibly etched into the political consciousness of our times as a symbol both of the impossibility of forever denying a determined people the right to control their own destiny and of the oppressiveness and brutality of governments that seek to do so: Now, therefore, be it

Resolved, That, in the interest of expressing support for the observance of human, civil, and political rights in China and around the world, it is the sense of the Senate that—

(1) the United States Government should remain committed to honoring the memory and spirit of the brave citizens of China who suffered and died in Tiananmen Square on June 4, 1989 for attempting to assert their internationally-recognized rights; and

(2) supporting the peaceful transition to democratic governance and the observance of internationally-recognized human, civil, and political rights and the rule of law in China should be a principal goal of United States foreign policy.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President.

COMMENDING THE UNIVERSITY OF NEVADA LAS VEGAS COLLEGIATE GOLF TEAM ON THEIR NCAA CHAMPIONSHIP

Ms. COLLINS. I now ask unanimous consent the Senate proceed to the immediate consideration of Senate Resolution 243 submitted earlier today by Senators BRYAN and REID.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 243) to commend and congratulate the University of Nevada Las Vegas men's golf team on winning the team's first National Collegiate Athletic Association Championship.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Ms. COLLINS. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 243) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 243

Whereas the University of Nevada Las Vegas Rebels men's golf team shot four rounds of golf at a total of 1118 strokes for a total of 34 under par, to beat the second place Clemson Tigers by three strokes;

Whereas this score of 34 under par set a tournament record by 11 strokes;

Whereas Chris Berry shot a total of 272 strokes for 16 under par to finish second in individual competition, to help ensure the championship for the Rebels;

Whereas the University of Nevada Las Vegas men's collegiate golf team has displayed outstanding dedication, teamwork, and sportsmanship throughout the course of the season in achieving collegiate golf's highest honor; and

Whereas the Rebels have brought pride and honor to the State of Nevada: Now, therefore, be it

Resolved, That the Senate—

(1) commends the University of Nevada Las Vegas for winning the 1998 National Collegiate Athletic Association Division I men's collegiate national golf championship;

(2) commends Chris Berry, for his second place individual finish at the National Collegiate Athletic Association golf championship;

(3) recognizes the achievements of all the players, coaches, and staff who were instrumental in helping the University of Nevada Las Vegas win the 1998 National Collegiate Athletic Association Division I men's collegiate national golf championship and invites them to the Capitol to be honored in an appropriate manner to be determined;

(4) requests that the President recognize the accomplishments and achievements of the 1998 University of Nevada Las Vegas Rebels golf team and invite the team to Washington, D.C. for the traditional White House ceremony held for national championship teams; and

(5) directs the Secretary of the Senate to make available enrolled copies of this resolution to the University of Nevada Las Vegas for appropriate display and to transmit an enrolled copy to each member of the 1998 University of Nevada Las Vegas National Collegiate Athletic Association Division I men's collegiate national championship golf team.

RECOGNIZING DISABLED AMERICAN VETERANS

Ms. COLLINS. Mr. President, I now ask unanimous consent the Senate proceed to the immediate consideration of Senate Concurrent Resolution 102, introduced earlier today by Senator ROCKEFELLER and others.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 102) recognizing disabled American veterans.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. ROCKEFELLER. Mr. President, as the Ranking Member of the Senate Committee on Veterans' Affairs, I, along with Senators SPECTER, LOTT, and DASCHLE submit a Senate Concurrent Resolution that will allow the Disabled American Veterans to sponsor an event on the U.S. Capitol grounds on June 16 and 17, 1998, during which they will donate 147 transportation vans to the Department of Veterans Affairs.

Senator SPECTER, Chairman of the Committee on Veterans' Affairs, and I were asked to help coordinate this unique event, and we are grateful for the support of the Leadership on both sides of the aisle. As my colleagues are aware, Senator SPECTER is unable to be here today due to recent surgery.

Mr. President, the Disabled American Veterans (DAV) was chartered by the Congress of the United States in 1932 and serves as an incredibly strong advocate for our Nation's disabled veterans. In 1987, as part of their mission, DAV organized a nationwide transportation program to help sick and disabled veterans receive the essential medical care they so desperately need. From the time of its inception to the present, DAV will have donated 750 vans in support of this program.

In my state of West Virginia, thousands of veterans live in rural areas, miles from the nearest VA medical center, and often in areas with no public transportation. So I am acutely aware of how veterans not only in West Virginia, but from coast to coast, rely on the DAV transportation program to receive essential medical care. I am proud to have worked with DAV to help foster this program.

I ask all of my colleagues to join us in supporting legislation to authorize use of the Capitol Grounds for this remarkable event. And I, along with Senators SPECTER, LOTT, and DASCHLE, commend DAV for their donation and work on behalf of our Nation's veterans.

Ms. COLLINS. I ask unanimous consent the concurrent resolution be agreed to, the motion to reconsider be laid upon the table, and that any statements related to the concurrent resolution be printed in the RECORD at the appropriate place as if read.

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

The concurrent resolution (S. Con. Res. 102) reads as follows:

S. CON. RES. 102

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. USE OF CAPITOL GROUNDS FOR DISABLED AMERICAN VETERANS EVENT.

Disabled American Veterans shall be permitted to sponsor a public event on the West Front Lawn of the Capitol on June 16 and 17, 1998, or on such other dates as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate may jointly designate, in order announce the donation of 147 vans to the Department of Veterans Affairs by Disabled American Veterans.

SEC. 2. TERMS AND CONDITIONS.

(a) IN GENERAL.—The event authorized by section 1 shall be free of admission charge to the public and arranged not to interfere with the needs of Congress, under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board.

(b) EXPENSES AND LIABILITIES.—Disabled American Veterans shall assume full responsibility for all expenses and liabilities incident to all activities associated with the event.

SEC. 3. EVENT PREPARATIONS.

(a) STRUCTURES AND EQUIPMENT.—Subject to the approval of the Architect of the Capitol, Disabled American Veterans may erect upon the Capitol Grounds such stage, sound amplification devices, and other related structures and equipment as may be required for the event authorized by section 1.

(b) ADDITIONAL ARRANGEMENTS.—The Architect of the Capitol and the Capitol Police Board are authorized to make any such additional arrangements as may be required to carry out the event, including arrangements

to limit access to First Street Northwest and First Street Southwest as required for the event.

SEC. 4. ENFORCEMENT OF RESTRICTIONS.

The Capitol Police Board shall provide for enforcement of the restrictions contained in section 4 of the Act of July 31, 1946 (40 U.S.C. 193d; 60 Stat. 718), concerning sales, displays, and solicitations on the Capitol Grounds, as well as other restrictions applicable to the Capitol Grounds, with respect to the event authorized by section 1.

SEC. 5. PHOTOGRAPHS.

The event authorized by section 1 may be conducted only after the Architect of the Capitol and the Capitol Police Board enter into an agreement with Disabled American Veterans and the manufacturer of the vans referred to in section 1 that prohibits Disabled American Veterans and such manufacturer from using any photograph taken at the event for a commercial purpose. The agreement shall provide for financial penalties to be imposed if any photograph is used in violation of this section.

ORDERS FOR FRIDAY, JUNE 5, 1998

Ms. COLLINS. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until 9:30 a.m. on Friday, June 5. I further ask that on Friday, immediately following the prayer, the routine requests through the morning hour be granted, and the Senate then begin a period of morning business until 10:30 a.m. with Senators permitted to speak for up to 5 minutes each, with the following exceptions: Senator SMITH of New Hampshire for 30 minutes; Senator CLELAND for 10 minutes; Senator WELLSTONE for 15 minutes.

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

Ms. COLLINS. Mr. President, I further ask that following morning business the Senate resume consideration of the Coverdell amendment No. 2451 pending to the tobacco legislation.

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

PROGRAM

Ms. COLLINS. Mr. President, for the information of all Senators, when the Senate reconvenes tomorrow at 9:30 a.m., there will be a period of morning business until 10:30 a.m. Following morning business, the Senate will resume consideration of S. 1415, the tobacco legislation, with several amendments still pending. It is hoped that short time agreements can be reached on these amendments so that remaining amendments to this important bill may be offered and debated.

As a reminder to all Members, a cloture motion was filed by the minority leader to the tobacco committee substitute. Under rule XXII, Senators have until 1 p.m. on Friday to file first-degree amendments to the modified tobacco committee substitute. The leader has announced there will be no roll-call votes during Friday's session. Therefore, the cloture vote and any votes ordered with respect to the tobacco bill during tomorrow's session will be postponed to occur at a later date.

As always, Members will be notified of the voting schedule next week as soon as it becomes available.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Ms. COLLINS. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:45 p.m., adjourned until Friday, June 5, 1998, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate June 4, 1998:

THE JUDICIARY

YVETTE KANE, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF PENNSYLVANIA, VICE EDWIN M. KOSIK, RETIRED.

JAMES M. MUNLEY, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF PENNSYLVANIA VICE WILLIAM W. CALDWELL, RETIRED.

THOMAS J. WHELAN, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF CALIFORNIA VICE JOHN S. RHOADES, SR., RETIRED.

DEPARTMENT OF STATE

EDWARD L. ROMERO, OF NEW MEXICO, TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO ANDORRA.