

PRIVILEGE OF THE FLOOR

Mr. KYL. Mr. President, I ask unanimous consent that Jim Savage of my staff be accorded floor privileges during my remarks.

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

THE TOBACCO LEGISLATION

Mr. KYL. Mr. President, I want to discuss today the matter pending before us, S. 1415, the tobacco legislation. It is, as we have been told by many people, one of the most expensive, complex, far-reaching legislative proposals ever considered by the U.S. Senate. The stated goal of the proposal is, of course, nonpartisan and universally recognized—the reduction of teenage smoking. We all agree on that.

What a parent wants is for his or her children to grow up healthy and strong. No parent really desires that their children become addicted to tobacco use. The issue is, what is the best way of achieving that goal, to go about discouraging teen smoking and highlighting the dangerous health risks associated with tobacco while also preserving individual adult liberties.

At the Federal level, I think we should also remind ourselves that underage smoking is, at this time, illegal in all 50 States by State law. I think that as the Senate considers this legislation, we should keep some fundamental principles in mind and they should be part of any legislation we should eventually adopt.

Specifically, I think our legislation should include the following components:

One, we should ensure that teen smoking is reduced. There are a variety of mechanisms for doing that, including making vending machines inaccessible to children, conducting an advertising campaign specifically directed toward children's tobacco use. I think we should ensure that any tobacco tax increase does not create a black market. It is very difficult to know the magic point at which you have raised the price enough to discourage its use without having, however, raised it so much that you create a black market. I think it is probably very difficult to do that, as testimony before the Senate Judiciary Committee has confirmed.

I think we need to ensure that proceeds raised by any tax increase are primarily used for health-related purposes, such as Medicare, research for NIH, reimbursement to the States for their Medicaid expenses, particularly associated with tobacco illnesses, and increasing the self-employed health care tax deduction to 100 percent. In that regard, incidentally, if there are excess moneys left over from a tax, I think we should return it to the people. We could do that, among other ways, by significantly reducing the marriage penalty which is currently built into the Tax Code, that proposal already having been made by Senator GRAMM.

I think another principle that should be embodied in this legislation is to ensure that proceeds not be used to create new, or expand existing, non-health-care-related Federal programs. One of the worst things this body could do is to impose a huge new tax ostensibly relating to tobacco use and curbing its effects but, in fact, generating money to serve totally unrelated purposes, as some of our colleagues suggest. That would be wrong.

I think another principle that should be embodied in any legislation we adopt is that attorneys involved in the litigation regarding tobacco not reap windfall profits at the expense of these education and smoking prevention programs, particularly when they are established for kids.

Finally, I think we should ensure that no provisions are included that are virtually certain to later be adjudged to violate the first amendment's protection to speech or other constitutional provisions.

Mr. President, the rest of the time I would like to address the link between tobacco use and drug use, especially by children, because while there has been much legitimate concern expressed about the dangers of teenage smoking—and about that, as I said, I think there is no disagreement—I think there has been insufficient attention paid to children's use of drugs and abuse of drugs and the Federal Government's responsibility to deal with that problem as well. There is an even greater danger of drug addiction, and the relationship between tobacco and drugs makes it clear that, in dealing with one, we can and should deal with the other. I think our outrage should have some perspective here, and if it does, we should all agree that drug use among children is much more dangerous than tobacco use, as bad as it is.

Now, I noted the connection between the two. Ironically, it appears to work both ways. For example, we have known for some time that cigarette smoking is often a precursor to drug addiction. So, obviously, this is another reason to deal with the problem of youth tobacco use. For example, a survey by the Substance Abuse and Mental Health Administration reported that almost 75 percent of teens surveyed had tried cigarettes before marijuana. Moreover, a 1996 national health survey on drug abuse showed that current smokers are more likely to be heavy drinkers and illicit drug users.

Equally disturbing is the apparent innovation by youth in combining tobacco and drugs. For example, some teens are now smoking cigarettes after they smoke marijuana in order to enhance their high. I learned last night that the reason for this is that apparently the methanol in some cigarettes physiologically allows greater absorption of the THC in marijuana and therefore does prolong or enhance the high. Others hollow out cigars and replace the tobacco with marijuana in order to maintain a better high. This

behavior illustrates the undeniable connection between tobacco and drugs. For this reason, I support linking our effort to reduce teen smoking with that expanded antidrug effort.

I believe we have to keep in mind recent polls which show that the parents of this country are much more concerned about drug use than tobacco use. Their No. 1 fear is their children will become involved in illegal drug use. By contrast, in the May 1998 survey published by The Polling Company, a very recent survey, parental concern about juvenile tobacco use ranks No. 6 on the list. Only 3 percent of the parents cited that, whereas with respect to the No. 1 concern, drug use, 39 percent of the parents mentioned that as their primary concern with respect to their children.

According to Centers for Disease Control research, recently speaking to the New York Times, some kids maintain an illegal drug high by using tobacco, the same point that I had made earlier. And, obviously, what this means is for these kids illegal drugs are the gateway to tobacco use, and not the reverse, as I indicated earlier.

Drugs should be taken at least as seriously as tobacco. The two are undeniably linked. In dealing with one, we should deal with the other. I believe, therefore, that our effort to reduce teen smoking has to be tied to a renewed Federal commitment to reduce marijuana, cocaine, heroin, and methamphetamine use among both youth and adults. Incidentally, if we do that by a comparable amount, we will be reflecting the purpose of the Ashcroft proposal that has been presented to the Senate.

Let us look at some of the disturbing statistics. Prior to 1992, illegal drug use by high school seniors had fallen sharply, from 30 percent in 1985 to 14 percent in 1992. This is a very important statistic, because today people say we are losing the war on drugs, we can't win it, and therefore we ought to give up. Obviously, if we had said the same thing about tobacco use, we wouldn't be engaged in this important effort today to try to reduce tobacco use. But the people who say we have lost the war on drugs are wrong because of the statistic that I just cited. Once this country became engaged in the war on drugs, particularly trying to reduce the use of drugs in schools, the use by schoolkids of drugs dropped dramatically. It was cut in half.

Again, remember the statistics I am talking about. When we began this effort in about 1985, remember we created a drug czar's office, and Bill Bennett and others went out and campaigned fervently against drug use by kids. From 1985 to 1992, illegal drug use by high school seniors fell from 30 percent to 14 percent. So we were clearly making progress. We had made substantial progress. We were doing good.

What happened after 1992? The process reversed. And, frankly, the reason for that is inattention, and in some