

reported in any three of these reports—even if it is mentioned. It means all you have to do is go file in the future, file a cookie-cutter lawsuit, and the tobacco company must disprove that your ailment or your disease or your condition came from smoking.

This afternoon, or when I get the floor again, I will go through a list of what that is going to mean. I mean, if ever—if ever—there was a lawyers' relief bill, beyond that which we have been discussing in terms of their recompense for the settlements, it is here.

We have been looking around for tort reform. And here we have exactly the wrong kind of tort reform. I do not believe very many Senators know that this provision is in this bill. I do not know whether I will try to take it out. I would just like to make sure it is well known.

I do not want to leave the impression, and never have, that tobacco companies should not pay for what they have wrought on this society in terms of misleading advertising and the effects of smoking. But to say that three reports that compile the research of every ailment or disease that has been researched to try and find a causal relationship between that ailment and cigarette smoking should be incorporated by reference in this bill is not a good way to legislate. Under this provision a plaintiff would not have to worry about proving it anymore, just allege it, sue for it, and the tobacco company must then prove that they did not cause it.

That provision has been researched of late, and we will talk about it in a little more detail—how many thousands and thousands of lawsuits that would precipitate from people with diseases and ailments who never even gave a thought until now that they might find somebody who would pay for that; namely, the tobacco companies.

So I say to those who are very, very well-intentioned, who support this measure, I have said before—and the bill was redone—I said before that it was far too cumbersome, had way too many agencies and bureaus and bureaucratic innovations in it that nobody should really support. It was fixed somewhat. And I still seriously question how it got put together, how these kinds of provisions could find themselves in there with no discussion.

To me, this is one bill that I am very glad is taking a long time to get through the Senate. We normally say discussion on the Senate floor is good because it lets everybody understand what is going on and what the issues are. Frankly, I do not think we would have found out about all the things in this bill if we had not been down here for a couple weeks. It is just a very difficult job, very hard to do.

So let me summarize. I believe the amendment ought to pass, because if we are going to raise significant money, as purported in this bill, we ought to go after more than just the problems that teenage tobacco smok-

ing brings to our country. We ought to try our best, in a very reasonable and well directed way, to spend money trying to get a better handle on illicit and illegal drug use by our children and, in fact, by the American population. So I hope that passes. I hope cloture is not invoked.

But I say that I believe it is beginning to come to the surface that a bill could be put together. It surely cannot be the bill that is before us. As a matter of fact, I think probably it ought to just get redrafted, if people want to put a bill together. Essentially, it ought to take care of the States in some way, not necessarily 40 percent. It ought to have a very significant tax cut, especially for those American families who are going to pay the tobacco tax—pay most of the tobacco tax. If we do that, it ought to be directed at the marriage penalty, perhaps some health related tax provisions, but that ought to take the lead. And we ought to put a major program together in trying to really declare war through advertising and other initiatives to aid in the prevention of smoking among kids. And, as I indicated, it is corollary with reference to illegal drugs.

Another component could be research at NIH on cancer and related kinds of research. And that is probably doable in this country. And if you are going to spend some additional money, you can probably justify it there as well as anywhere else, although I would suggest that if you have a big bill like this with a lot of resources, we can bring amendments to the floor, one after another, showing areas where the U.S. Government is not doing what it ought to do in certain areas of endeavor that are our responsibility as a nation. And if it is needed, and doing a better job, we could have a myriad of amendments that we could let people vote on and decide what to do.

For instance, I give you one. It is totally unrelated, but some provisions in this bill are also. When will the U.S. Government pay for Indian schools in America?—which are falling down around the kids, totally ill-equipped, are way beyond anything we would have non-Indian kids in in the United States. And the only entity that is supposed to pay for it is the Federal Government. It is not a school board, not a State; it is the Federal Government. There is a backlog of over \$750 million. And we are leaving those kids out there, watching the suicide rates go up, watching the illegal drug rate go up, watching all the social problems they have, and every year we take care of one or two schools.

The PRESIDING OFFICER. The Senator should be reminded we have an agreement to recess at 12:30.

Mr. DOMENICI. I am sorry I went over. I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, first, I thank the Senator from New

Mexico for the enlightened remarks we just heard on this very important subject. I always enjoy the opportunity to hear his analysis. I hope he will return later this afternoon and continue with it.

Mr. President, I yield the floor.

Mr. DURBIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. I make an inquiry. I know we have the agreement to recess at 12:30. Is there not a vote at 2:15 when we return?

The PRESIDING OFFICER. That is correct. We have a cloture vote at 2:15.

Mr. DURBIN. I was looking for an opportunity to speak for 5 minutes. I ask unanimous consent that, after that vote, I have that chance in general debate.

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

Mr. DURBIN. Thank you, Mr. President.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:37 p.m., recessed until 2:14 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. COATS).

NATIONAL TOBACCO POLICY AND YOUTH SMOKING REDUCTION ACT

The Senate continued with consideration of the bill.

CLOTURE MOTION

The PRESIDING OFFICER. The clerk will report the motion to invoke cloture.

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 the debate on the modified committee substitute to S. 1415, 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.

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate be brought to a close on the committee substitute?

The yeas and nays are required. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Pennsylvania (Mr. SPECTER) is absent because of illness.

Mr. FORD. I announce that the Senator from Hawaii (Mr. INOUE) is necessarily absent.

The result was announced—yeas 42, nays 56, as follows: