

Roth	Snowe	Wellstone
Sarbanes	Torricelli	Wyden

NOT VOTING—6

Burns	Inhofe	Moseley-Braun
Durbin	Kerrey	Specter

The motion to table the amendment (No. 2702) was rejected.

The PRESIDING OFFICER. The question now occurs on the amendment of the Senator from Rhode Island.

The amendment (No. 2702) was agreed to.

Mr. REED. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, I enter the motion to reconsider the vote by which the Reed amendment was adopted.

The PRESIDING OFFICER. The motion to reconsider has been entered.

Mr. SARBANES. Mr. President, I rise to voice my hopes that the Senate will this week have the opportunity, after several weeks of debate, to vote on the pending tobacco bill.

The course that this bill has taken is in marked contrast to the course taken by many other important bills that we have considered in the 105th Congress. Whereas the Republican leadership has severely truncated debate on such important matters as campaign finance reform and education policy, we have been on the tobacco bill for several weeks, have engaged in hours of debate, and have considered a wide range of amendments. I have no doubt that when the Republican leadership has wanted quick resolution of an issue during the 105th Congress, it has understood how to accomplish that goal, and worked toward it. A similar commitment has not been apparent in the area of tobacco legislation.

Let me be clear, Mr. President. I support the idea of full and considered debate on an issue as important as this one. I also believe, however, that once an issue has been fully vetted, once Senators have had a chance to listen to the debate and vote on amendments, it becomes time for the Senate to step up to the plate and vote on the legislation before us. That is what we are paid to do, and it is what the American people expect us to do.

This is the fourth week of the tobacco debate. We have debated and voted on germane amendments and non-germane amendments; we have consumed dozens of hours of floor time and hundreds of pages in the CONGRESSIONAL RECORD. I worry, Mr. President, that the delays we are now facing on this bill are not designed to allow further thoughtful consideration of tobacco legislation, but rather to delay and obfuscate that legislation, to add to tobacco legislation layer upon layer of unrelated measures, to divide supporters of action in this area, and to run the clock in a legislative session that is evaporating before our eyes. The American people deserve better than that.

Now I do not support everything in this bill. I have voted for some of the amendments the Senate has considered and against others. I have found the wide-ranging discussion on the Senate floor to be valuable and enlightening in some instances and irrelevant and repetitive in others. I do believe, however, that by the end of this week, after the Senate has had the chance to consider the handful of remaining outstanding issues, we will be ready to take a stand on how to deal with the problems of smoking—especially the problem of teen smoking—in our nation.

Mr. MCCAIN. Mr. President, it is my understanding the Senator from Texas is waiting to speak, and the Senator from Minnesota. I ask both of them if they would like to begin and would ask their indulgence of Senator GORTON, who is going to come over for a brief time to lay down an amendment—very briefly, if they would allow him to interrupt for a few minutes upon his arrival.

Several Senators addressed the Chair.

Mr. MCCAIN. Mr. President, 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. MCCAIN. 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. MCCAIN. Mr. President, I ask unanimous consent that the Senator from Texas be allowed to go into morning business, followed by the Senator from Minnesota, and at some time the Senator from Washington be recognized to interrupt for morning business to lay down an amendment.

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

The Senator from Texas.

Mrs. HUTCHISON. Mr. President, before you finish, let me make sure that I will be able to ask for a resolution to be unanimously passed and if I can do that in morning business. I want to be sure that I can do that. It has been cleared.

The PRESIDING OFFICER. Repeat the request.

Mrs. HUTCHISON. I have a resolution that has been entered by both sides. I wanted to be able to bring it up, read the resolution, and speak for about 5 minutes, and ask unanimous consent that it be passed. So I didn't want to be prohibited from doing that in morning business.

The PRESIDING OFFICER. Will the Senator from Arizona make that part of his request?

Mr. MCCAIN. I do.

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

Mrs. HUTCHISON. I thank the Chair. I thank the Senator from Arizona.

CONDEMNATION THE BRUTAL KILLING OF JAMES BYRD, JR.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 248, which was submitted earlier today by myself and Senator GRAMM and Senator MOSELEY-BRAUN.

The PRESIDING OFFICER (Mr. FRIST). The clerk will report the resolution.

The assistant legislative clerk read as follows:

A resolution (S. Res. 248) condemning the brutal killing of Mr. James Byrd, Jr., and commend the community of Jasper, TX, for the manner in which it has come together in response.

There being no objection, the Senate proceeded to consider the resolution.

Mrs. HUTCHISON. Mr. President, I want to read the resolution because I think the Senate is taking a step that is very important, and I want to speak for a few minutes on the great honor I had this weekend to attend the services for one of my constituents, Mr. James Byrd, Jr.

The resolution condemns the brutal killing of Mr. James Byrd Jr., and it commends the community of Jasper, TX, and Jasper County, TX, for the manner in which it has come together in response to this brutal killing.

The findings are as follows:

Mr. James Byrd, Jr., of Jasper, TX, was brutally murdered on June 6, 1998.

Since this heinous tragedy, the citizens of Jasper, from all segments of the community, have come together to condemn the killing and honor the memory of Mr. Byrd.

The sheriff of Jasper County, Billy Rowles, spoke for the community when he appealed that the Nation not "label us because of this random, brutal act."

Mr. and Mrs. James Byrd, Sr., called for "justice and peace," asking that "we * * * get this over and put it behind us."

The community's response reflects the spirit that other communities across the Nation have shown in the face of recent incidents of random and senseless violence.

The Senate condemns the actions which occurred in Jasper, TX, as horrific and intolerable, to be rejected by all Americans.

The Senate expresses its deepest condolences to the Byrd family for their loss and the pain it caused.

The Senate notes the strong religious faith of the Byrd family, under the inspired leadership of James, Sr., and Stella Byrd, and the Reverend Kenneth Lyons, Pastor of the Greater New Bethel Baptist Church, that has helped the family through this most trying time.

The Senate sees in the Byrd family reaction to this tragedy the inspiration for hope, peace and justice in Jasper and throughout the United States.

The Senate commends the leadership shown by Jasper County sheriff, Billy Rowles, City of Jasper Mayor R.C. Horn, and other community leaders in responding to this tragedy.

The Senate urges that law enforcement officials at all appropriate levels continue with the full and fair investigation into all of the facts of this case.

The Senate urges prosecutors to proceed with a fair and speedy trial to bring the perpetrators of this outrageous crime to justice.

Mr. President, I had an experience that I will never forget this weekend when I attended the funeral service for Mr. Byrd. I saw a community coming together in confronting a tragedy that was unspeakable and yet they handled it in a way in which I think all of us could learn. They said unanimously in that little community, "There is no hate here; there is only love."

I want to say that the Byrd family reminds me of something that Senator GRAMM has said before, and that is the greatness of our country is that ordinary people do extraordinary things. I have seen the spirit of America in Mr. and Mrs. James Byrd, Sr., in James Byrd, Jr.'s sisters, and in his children. They endure the pain of knowing how their loved one died and yet can say to all the world, "There is no hate here, there is no hate in our home, there is no hate in our church; there is love."

I walked through that church and I saw a woman who goes to that church every Sunday. She had on four yellow ribbons. The yellow ribbons were displayed all over the community of Jasper, showing that the community was coming together in memory of James Byrd, Jr. This woman had on four ribbons, and she knew James Byrd, Jr. She said, "I have four ribbons. I have one ribbon for James Byrd, Jr., and I have three ribbons for the three who are accused of killing him." That said everything about the way this community is handling this terrible tragedy.

I think the leadership that is given to us by the Byrd family, by Mayor Horn, by Sheriff Rowles, and by Rev. Kenneth Lyons is something that all of us will be able to say has enriched us. I was enriched this weekend by seeing that community. I was enriched when Sheriff Rowles told me that he was trying to make sure that everyone stayed together, that everyone had their say, and he was even giving the same courtesy and respect even to the Black Panthers who came and did not talk about unity at all. Nevertheless, Sheriff Rowles recognized their freedom of speech. I saw a community that said we are proud that we have been able to grow up in loving homes with Christian backgrounds.

So I think that Abraham Lincoln's call to the "better angels of our nature" was personified by the Byrd family during this past week. All of us are better because we have seen the Byrd family endure a tragedy that we pray none of us will ever have to endure, and we saw them rise above it and counsel justice and prayer, not hate and despair.

It is their leadership that will make me a follower, and I hope all Americans

will follow their message—that love is what is important for our country, not hate.

So I commend them, and that is why I introduced this resolution with Senator GRAMM tonight and why the Senate is, I hope, going to unanimously pass this resolution in just a few minutes, because I want to follow the Byrd family's example and talk about love, not hate; prayer, not despair. That is how we can come together as a country and learn from the worst of tragedies, and, by the very nature of its horror, resolve that we are going to fight harder for equality and justice in this country for our children and grandchildren.

That will be the memory of James Byrd, Jr., that we will all come out of this stronger because of the horror that he endured.

I also want to say that the Reverend Jesse Jackson was a healer this week, that Kweisi Mfume was a healer this week, that Rodney Slater, representing the President of the United States, was a healer this week, that Congresswoman MAXINE WATERS was a healer this week. All of them came together with the same message that the Byrd family gave to us. And I was touched by what I saw in Jasper, TX, this week. I think we will all be better because of the leadership of the Byrd family of Jasper, TX.

Mr. President, I ask unanimous consent that S. Res. 248 be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 248) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 248

Whereas, Mr. James Byrd, Jr., of Jasper, Texas, was brutally murdered on June 6, 1998;

Whereas, since this heinous tragedy, the citizens of Jasper, from all segments of the community, have come together to condemn the killing and honor the memory of Mr. Byrd.

Whereas, the Sheriff of Jasper County, Billy Rowles, spoke for the community when he appealed that the nation not "label us because of this random, brutal act."

Whereas, Mr. and Mrs. James Byrd, Sr., called for "justice and peace," asking that "we . . . get this over and put this behind us.;" and

Whereas, the community's response reflects the spirit that other communities across the nation have shown in the face of recent incidents of random and senseless violence. Now, therefore, be it

Resolved, That The Senate—

(1) condemns the actions which occurred in Jasper, Texas as horrific and intolerable, to be rejected by all Americans;

(2) expresses its deepest condolences to the Byrd family for their loss and the pain it caused;

(3) notes the strong religious faith of the Byrd family, under the inspired leadership of James Sr., and Stella Byrd, and the Reverend Kenneth Lyons, Pastor of the Greater New Bethel Baptist Church, that has helped the family through this most trying time;

(4) sees in the Byrd family reaction to this tragedy the inspiration for hope, peace, and justice in Jasper and throughout the United States;

(5) commends the leadership shown by Jasper County Sheriff Billy Rowles, City of Jasper Mayor R.C. Horn, and other community leaders in responding to this tragedy;

(6) urges that law enforcement officials at all appropriate levels continue with the full and fair investigation into all of the facts of the case; and

(7) urges prosecutors to proceed with a fair and speedy trial to bring the perpetrators of this outrageous crime to justice.

Mrs. HUTCHISON. Mr. President, I yield the floor.

Mr. GORTON addressed the Chair.

NATIONAL TOBACCO POLICY AND YOUTH SMOKING REDUCTION ACT

The PRESIDING OFFICER. Under the previous order of the Senate, we will now continue with the consideration of S. 1415.

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, parliamentary inquiry: May I send an amendment to the desk without asking unanimous consent some pending amendment be set aside?

The PRESIDING OFFICER. The Senator may send up the amendment without consent.

AMENDMENT NO. 2705 TO AMENDMENT NO. 2437

(Purpose: To limit attorneys' fees)

Mr. GORTON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mr. GORTON] proposes an amendment numbered 2705 to amendment No. 2437.

Mr. GORTON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the end of the pending amendment, add the following:

SEC. LIMIT ON ATTORNEYS' FEES.

(a) FEES COVERED BY THIS SECTION.—Notwithstanding any other provision of law, or any arrangement, agreement, or contract regarding attorneys' fees, attorneys' fees for—

(1) representation of a State, political subdivision of a state, or any other entity listed in subsection (a) of Section 1407 of this Act;

(2) representation of a plaintiff or plaintiff class in the Castano Civil Actions described in subsection (9) of Section 701 of this Act;

(3) representation of a plaintiff or plaintiff class in any "tobacco claim," as that term is defined in subsection (7) of Section 701 of this Act, that is settled or otherwise finally resolved after June 15, 1998;

(4) efforts expended that in whole or in part resulted in or created a model for programs in this Act,

shall be determined by this Section.

(b) ATTORNEYS' FEES.

(1) JURISDICTION.—Upon petition by the attorney whose fees are covered by subsection (a), the attorneys' fees shall be determined