

are celebrating. Even though it is the middle of winter, cold with snow (not weather that Cecile appreciated), we bless, and offer up this bread and wine in memory of God's love and compassion for us, and in memory of Cecile's presence, that of death as well as life eternal.

We celebrate the death and resurrection of Jesus, knowing that this gives special meaning to all our family reunions and human relationships. God's presence is everywhere, giving meaning to the presence of Cecile's absence. "The presence of that absence is everywhere," in the words of Edna St. Vincent Millay.

We don't just use these humble gifts of bread and wine. Rather we let them speak to us of joy and sorrow, of presence and absence, of faithfulness and sacrifice. The Eucharist reminds us that it is God's gift to us to be fruitful. It is a human activity to be productive, a divine gift to be fruitful. In this Eucharist/sacrament, we receive that gift from God. For that gift, and for peace, we now give thanks.

In the words of the Kaddish, "May God who establishes peace in the heavens, grant peace unto us and unto all Israel, And say yes, Amen."

Mr. LEAHY. Mr. President, Marcelle and I loved our parents and we were loved by them. During the past decade and a half, we have seen them all leave—Howard, Phil, Alba, and Cecile. Such good friends and such good parents are in our memories today.

It is strange, but I still find myself stopping momentarily now and then as if to call each of them, perhaps to say thank you for all each gave, to tell them their love will live on in their children and their grandchildren, but I think they knew that. They knew how much their children loved them. They knew how much their grandchildren loved them. And at a time when it becomes almost a cliché to talk about family values, our parents gave such great family values to us. The love of all the children for them has been so strong, and the grandchildren, especially, were fortunate to have grandparents that they could know and love.

We lost Cecile last February, but this February, a year later, her first great grandchild, Roan Seamus Nichols Leahy, joined the family. Knowing Cecile, she would consider this timing quite fitting, and her wonderful heart, if she were still alive, would expand to include him in her love with all the rest of us.

I say au revoir, Maman.

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. DURBIN. 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. DURBIN. Mr. President, I ask unanimous consent that I be allocated the time that has been assigned to Senator DORGAN as if in morning business.

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

Mr. DURBIN. Thank you.

#### TOBACCO LEGISLATION

Mr. DURBIN. Mr. President, at the outset I would like to say to my colleagues in the Senate and those who are witnessing this Chamber this morning that we have a unique opportunity this year to do something of value not only for the children of this country but for many others. It relates to an issue that I have been involved in for over 10 years. It started a little over 10 years ago when as a Congressman from Illinois I was about to catch an airplane in Phoenix, AZ, to Chicago, but, as usual, I was late. I came rushing into the airport in Phoenix, AZ, put my ticket on the counter of United Airlines, and said to the flight attendant, "Can I make this plane?" She punched it into the computer and said, "You can if you hurry." I said, "Can you get me a seat in the nonsmoking section?" She punched it into the computer, and said, "No. I am sorry. It is too late. The only seat we have is a middle seat in the smoking section." I looked at her, and I said, "I know I am in a hurry, but isn't there something you can do?" She looked at my ticket, and she looked at my title, and she looked me in the eye, and said, "No; but, Congressman, there is something you can do."

So I got on that airplane and flew from Phoenix to Chicago seated between two sumo wrestlers chain smoking the whole way. I turned my air vents on, one and then the other, and realized when I got off that plane that my clothes were stinking, my sinuses were clogged, and I was grumpy. But I still would be alive. I looked a couple of rows away and saw a woman with a tiny baby and, on the other side of the plane, an elderly person. I thought to myself, this doesn't make any sense at all. Why do we let people smoke away in the cabin of an airplane and endanger the health and lives of other people?

So I came to Washington and in 1987 introduced legislation to ban smoking on airplanes. I never dreamed that it would be successful. In fact, it was the first time in its history that the tobacco lobby had lost a major vote on the regulation of their product on the floor of the House of Representatives. It was a bipartisan effort. I never would have succeeded without the intervention of Senator Claude Pepper, who was chairman of the House Rules Committee, my friend; and Mike Synar, the late Congressman from Oklahoma; HENRY WAXMAN of California, and some others.

It really started in my political career an effort to take a close look at tobacco. Now, almost 11 years later, that wave that was just starting to rise in 1987 is about to crest in 1998. We have a chance now to not just deal with the annoyance and danger of secondhand smoke but something much, much bigger. We have a chance to enact legislation in 1998 that will dramatically change, in America, our view of tobacco as a product for sale. If we

are successful, if we do our job, we will finally say that the law in every State in the Nation which bans the sale of tobacco products to children will be enforced. What a breakthrough that would be for us to finally come to grips with the fact that these tobacco companies with their insidious strategy and their advertising have been going after our kids. That is it.

They lose 2 million of their best smokers each year; 400,000 die from tobacco-related diseases, and 1.5 million or so quit. Well, if you are in the corporate board room of RJR or Philip Morris, you say, "I have a problem. Two million customers gone. We have to replace these customers. Where are we going to go?"

Well, we found out as we have surveyed that when a person reaches the age of 18 and beyond, they are less likely to decide for the first time to smoke. They are a little more mature. They know the danger, and they stay away from it. But these corporate leaders in the tobacco companies know that if they can get kids to start smoking, they might have customers for life, albeit an abbreviated life for many smokers.

So we see Joe Camel, we see Marlboro's cancer cowboy, and we see all these efforts to glamorize tobacco. For what purpose? Ultimately so the children will try to smoke. Oh, these tobacco companies do a great job. You know what happens? Every single day in America 3,000 kids start smoking for the first time. A third of them, 1,000 of them, will find their lives shortened because of that experience. Kids who become addicted to nicotine become smokers for life. The tobacco companies win. The kids lose. Their parents lose. America loses.

We have a chance this year to change it. But we may blow that opportunity because, unfortunately, this Senate, and the House for that matter, have become tangled up in the politics of this issue and can't see the forest for the trees. If we miss this chance this year to do something about this effort to addict our children, we may never have it again.

The President and Vice President have been leaders on this issue. We would not be here today discussing it were it not for President Clinton's leadership. And we have seen many others, 42 States' attorneys general, who brought lawsuits against the tobacco companies and said, now it is time for you to pay for the damage you have caused to America by tobacco products; now it is time for you to be held accountable for your lies, your fraud, your deception, your advertising directly at children.

So we are here today and the ball is in our court. Will we do something about it? Take a look at this. This is the situation. Here is the 1998 teen smoking report. How many kids will be hooked today? Three thousand. How many kids have been hooked so far this year? Mr. President, 213,000. How many

kids will die too young because Congress has failed to act this year? Mr. President, 71,000. How many days are left for Congress to act? Sixty-seven days. And the count goes up every single day—more kids addicted to nicotine, addicted to tobacco; more kids who will die.

We are told repeatedly this is a short session; we do not have a lot of time here. We have just 67 days and then we have to get back to other things. What is more important? What could be more important than the lives of our children? What could be more important than this opportunity in history for the first time—the very first time—that we can do something? Think about it. If we said, as part of our legislation, legislation I support, that the tobacco companies have to show reductions in kids smoking or they are going to pay more, guess what will happen. They will reduce the number of sales to kids. They will watch it more carefully. If we say to these tobacco companies that we are sick and tired of your insidious advertising at sporting events and all sorts of billboards near schools—we know what is going on here—it is coming to an end, we can do it; we can do it this year.

There is more. We also have to take the money that will come from this effort—from additional fees, for example, on tobacco products—and make sure that it is well spent on antitobacco advertising, on medical research, and on so many other things the President has suggested.

The President wants to take these funds and put them into the basics, make sure there is money for education, make sure there is money for child care, make sure there is money at the NIH for medical research. This is money that is well spent and well invested. But we can miss this opportunity. We can find ourselves twisted in knots. Unfortunately, we may find, if that occurs, we may never have this chance again.

Today is March 12; there are 67 days left on Capitol Hill to take action on an antitobacco bill. If we are going to do this, the Senate needs to finish up its work on this bill by Memorial Day and no later. There are 3,000 reasons each day to pass this legislation—the 3,000 kids who start smoking for the first time. There are no good reasons not to. When you count the days and you count the kids and you count the cost, I think you understand the gravity of this situation. We have offered comprehensive legislation. I hope we can count on our friends on the other side of the aisle to join us.

Yesterday the committee hearings focused on details of tobacco legislation—immunity, liability, committee jurisdiction—but it is time to bring the focus back where it belongs. This is not about the details of the legislative process, it is about our children. Let's send a bill to President Clinton that he can sign. We certainly owe it to America's kids to stop stalling and start saving lives.

#### JUDICIAL NOMINEES FOR THE FEDERAL DISTRICT COURTS OF ILLINOIS

Mr. DURBIN. Mr. President, while on the subject of the calendar, let me tell you I have waited patiently now—as has the Senator from Illinois, Senator CAROL MOSELEY-BRAUN—I have waited since November 1997 for the Senate to take up consideration of two Federal District Court Judges of Illinois. Patrick Murphy of Marion, IL, is a nominee for the southern district; Michael McCuskey, now an appellate court judge at the State level, is our nominee for the central district. We have waited patiently for over 100 days while these names languished on the Senate Executive Calendar. During that period of time, other judges' names have come and gone, been approved by the Senate, but the two nominees from Illinois sit and languish.

It is bad enough that these two gentlemen, for whom there has been no negative comment, no suggestion that they are not qualified—it is bad enough that their lives have been interrupted because of the Senate's failure to act. What is even worse is that for the people they would serve in southern and central Illinois, there are vacancies on the Federal bench. The southern district of Illinois has the third oldest judicial vacancy in the Nation. We have seen over 1,900 days have passed since there was a judge in this seat, more than 1,000 days in the central district. These high vacancy rates for the Southern and Central Districts of Illinois are causing a great hardship, not only on the judges who are sitting and trying to meet their responsibilities but on those who come to the courthouse and expect, as every American citizen, every American family, and every American business should, that they will be handled fairly and in an expedited fashion.

I think it is time for us to act as a Senate on these two nominees. I will stand on this floor and gladly defend each of these nominees because I know the stellar qualities that they bring to this appointment. But the Senate has to meet its responsibility. It has to call these names for consideration.

We have seen, unfortunately, over the last year or so, a pattern in the Senate which is distressing. Last year, President Clinton had only 45 percent of the nominees for the Federal bench that he sent to the Senate who were actually confirmed. You may say that probably is what the average is, is it not? In fact, it is not. Under Presidents Reagan and Bush, the confirmation rate of their nominees, by a Democratic Senate, was substantially higher—70 and 80 percent.

Some of the Republicans say, "I wish the President would send us more qualified people." Yet when you take a look at the ratings of the President's nominees by the American Bar Association compared to the nominees sent by President Reagan and President Bush, these are actually better nomi-

nees. They rate higher by the American Bar Association, one of the few standards that we use to grade men and women who are being appointed to the bench. So, clearly, we are being sent qualified people in a timely fashion to fill needs in Federal judicial courts across America. Yet the Senate acts too slowly or refuses to act.

I stand here today and appeal to my colleagues, Democrats and Republicans, to consider seriously these two nominees and bring them up for consideration this week. Under the rules of the Senate, I can put a hold, incidentally, on people and a hold on bills. I can even do that in secret. That is what the Senate lets me do. In other words, they cannot move the person, they cannot move the bill, if this one Senator decides he does not want them to move it. I have not done that. I have never done that to an individual, and I don't want to start. I don't think it's fair. I hope I never reach the point where I have to use that strategy. I would much rather see us vote on these men and women on their merits. If they are worthy of appointment to the Federal bench, let us take the action and make sure it happens.

I hope my colleagues in the Senate will join me and this week we can finally see the logjam broken, not only on these judicial appointments, but also on this critical legislation. With only 67 days left for us to go to work, let's make sure we do not miss the most important issues and challenges facing us.

I yield the remainder of our time.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. I wish to address the amendment to be voted on in 4 minutes.

Mr. KERREY. Will the Senator yield?

Mr. WARNER. How much time does my colleague need?

Mr. KERREY. Three minutes?

Mr. WARNER. Then we will accommodate the Senator. Take 4.

#### THE INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT

Mr. KERREY. Mr. President, I would like to commend my Democrat and Republican colleagues for their hard work in creating a transportation bill that will reduce traffic congestion, make our roads safer, and protect the U.S. environment. ISTEA, the Intermodal Surface Transportation Efficiency Act, is one of the most important items on the legislative agenda of the 105th Congress.

The American people deserve nothing less than a world-class transportation system that will facilitate economic growth and improve transportation safety. This bill achieves that goal in a fair manner and guarantees that America's transportation infrastructure will be vital well into the next century.