

market in order to help their economies. If that's the case, they have a moral obligation to open their markets to our exports. And I will work to make sure that happens.

Last week I joined with 19 of my fellow senators on a letter led by Senators ROBERTS and BAUCUS requesting a meeting with Treasury Secretary Rubin to discuss the pervasive trade barriers that remain in the Asian countries. Hopefully, that meeting will lead to a cooperative effort between Congress and the administration to remove these barriers.

The fourth area I will be focusing on in 1998 persuading our trading partners to live up to the commitments they have made in prior trade agreements. Getting a good agreement is one thing. But we must demand compliance with our agreements on a daily basis. Many markets we thought we had opened are still closed.

I will monitor our existing agreements and strongly urge the administration to bring enforcement actions when necessary. Trade agreements aren't worth the paper they are written on unless we put some force behind them.

The last two initiatives I will pursue in 1998 involve agriculture trade, which is so important to my state and many others. Exports now account for over 30% of farm income in this country. Take away foreign markets, and we'd have to idle one-third of America's productive cropland.

In recognition of the importance of foreign trade to the agriculture economy, last year Senator DASCHLE and I introduced S. 219 a bill creating a "Special 301" process for agriculture. This new 301 procedure requires the U.S. Trade Representative to identify and remove the most onerous barriers to U.S. ag exports. It will put other countries on notice that we are serious about gaining access to their markets.

This bill was made part of the fast track legislation that was on the floor of the Senate at the end of last year. It is my intent to move this bill again as a part of fast track legislation or independently, if necessary.

Finally, agriculture is preparing for another round of market access negotiations at the World Trade Organization beginning in 1999. These talks will lay down the rules on agriculture trade for the next century. I pledge to work with the administration to ensure the United States sets the agenda for these talks.

Our trading partners do not necessarily want to remove their barriers to our ag exports. Because our farmers produce the highest quality products at the lowest cost. So American farmers will gain access to new markets only if the United States leads these negotiations and persuades other countries to open their markets.

Mr. President, free and fair trade creates good, high-paying jobs. It raised the income of our farmers and the standard of living for our workers and

consumers. Trade has contributed significantly to our strong economic growth and record low unemployment. I will continue to pursue an agenda of free and fair trade through this Second Session of the 105th Congress.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. FAIRCLOTH. Mr. President, the majority leader had programmed a short talk but I don't see him, so I will go ahead with mine, if I may.

Mrs. BOXER. Reserving the right to object, may I ask my friend if he, in his request to speak, would add that I may speak for no more than 5 minutes following his remarks?

Mr. FAIRCLOTH. Is the request you may speak following my remarks? It's absolutely fine with me, but as I said, the majority leader was supposed to speak for 5 minutes. But if he's not here, that's fine.

Mrs. BOXER. If you want to amend it so he can, if he does arrive, speak before I speak, that's not a problem at all. I will then withhold until he completes and take my 5 minutes at that time.

Mr. FAIRCLOTH. Thank you.

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

ATTORNEY FEES AND THE TOBACCO SETTLEMENT

Mr. FAIRCLOTH. Mr. President, I rise to say a few words about attorney fees and the proposed Senate bill, S. 1570. The Public Health Funds Preservation Act, which is better known as the Tobacco Settlement Act, limits attorney's fees, and only if there is a tobacco settlement. It limits their fees, the bill that I have introduced, to \$125 per hour plus court-approved expenses. This is not something that we came upon. This is the same rate that Congress set for lawyer fees in suits filed against the Federal Government. So this is an accepted and nationally known attorney fee, \$125 an hour.

For trial lawyers, this debate is not about public health, it is about private greed. It is about creating instant billionaires. It is about using the public funds to create instant billionaire trial lawyers. It's a huge pot of money, billions of dollars, and it is wanted to fund frivolous lawsuits far into the 21st century. As long as you pay lawyers, you will have lawsuits. At the rate these are being paid, we will have lawsuits into infinity.

Let me mention a few cases that reveal the real motive of the trial lawyers. This is a typical example of how this group works. The trial lawyers negotiated a \$349 million settlement with the tobacco companies in the so-called "flight attendants case."

These were flight attendants who said they had been affected by secondary smoke. They won the \$349 million: \$300 million went to a new research foundation, and the lawyers took \$49 million. Not one dime did a single flight attendant get because of

the lawyers in the suit—not a dime. The entire amount went to lawyers and the research foundation. It is clear what happened—lawyers, \$49 million; clients, \$0, and that is the way the score usually turns out.

The litigation machine grinds on and on, long after settlements. More lawsuits, more billable hours and more attorney's fees. It goes on into infinity.

The flight attendants' own lawyers sold them out for a quick buck—\$49 million to be exact.

This is not an isolated case. The Texas Attorney General agreed to pay lawyers close to \$2.2 billion, 15 percent of the settlement that Texas was able to negotiate with the tobacco companies—\$2.2 billion to the lawyers.

The lawyers involved in the settlement of the Florida suit claimed \$2.8 billion, 25 percent of the entire settlement. The settlement was \$11.3 billion, the lawyers want \$2.8 billion.

The judge in the Florida case said that their demands were "unconscionable." Certainly they are. They are unreasonable. But that didn't stop the trial lawyers. They were not going to let a judge stand between them and \$2.8 billion. They could see the red meat. That didn't stop the trial lawyers. They filed a lien to prevent the State from collecting its first \$750 million payment until they were paid. If they couldn't get the big money for themselves, neither did they want the children of the State of Florida to have it.

One Mississippi lawyer is busy lining up a \$1.39 billion payment. He admits that he spent at most \$10 million on the case. This lawyer says that the fee might seem a little obscene. These fees have simply gotten out of control.

Mr. President, this is a pillaging spree and nothing more. These trial lawyers rival Genghis Khan or any other raider that ever went after a pile of money.

The trial lawyers are intent on plundering. They are now stealing from the public health trust. That is exactly what they are doing if this Tobacco Settlement Act comes about. They are simply stealing from the trust that we will be putting up for the public health and for the children. After all, some of them have already filed liens to prevent the public health payments until they have been paid.

Mr. President, I say it is time to stop. This bill will do that. The tobacco settlement is a settlement to ensure medical care and future help of people who might have been affected by tobacco. It is not a lottery for trial lawyers. My bill makes sure the focus stays on children and not on lawyers. The trial lawyers want to play "Wheel of Fortune" with our money. Well, I say, no, it is not their money. Let's stop the scrambling for dollars and the greed. Public health versus private greed—let's get on with the public health part of it and put some restraints on the private greed. That is where we should draw the line.

Mr. President, I thank you, and I yield the floor.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California is recognized for 5 minutes.

Mrs. BOXER. Thank you very much, Mr. President. I want to take 5 minutes out of the debate on this very important bill. I commend my colleague, Senator FEINSTEIN, for her leadership in explaining why it is important, when we legislate, particularly on a matter of science, that we know exactly what we are doing and that we don't pass a bill that will have unintended consequences which could lead to setting back help to people who need it who are ill. I just wanted to mention that.

CONDEMNING CLINIC BOMBING

Mrs. BOXER. Mr. President, earlier today, I submitted a resolution, Senate Resolution 173. It is very straightforward. It condemns last week's tragic bombing of a reproductive health services clinic in Birmingham, AL. As most of us know, this vicious and unprovoked attack killed a police officer and critically injured a clinic worker. We already know that clinic worker lost one eye, and I watched her anguished husband talk about the possibility that she might have an operation on the other eye as well.

I am very proud that this resolution that I have submitted is bipartisan. I submitted it on behalf of myself and Senator CHAFEE, Senator SNOWE, Senator MIKULSKI, Senator JEFFORDS, Senator LAUTENBERG, Senator MURRAY, Senator BOB KERREY, Senator COLLINS and Senator MOSELEY-BRAUN.

Last week's attack was the first clinic bombing in the United States to cause a death, but, unfortunately, it was far from the first bombing. In recent years, reproductive health services clinics have been the targets of an unprecedented reign of terror. Last year alone, clinics in Atlanta, GA, and in Tulsa, OK, were bombed, resulting in many, many serious injuries.

The reign of terror began with the murder of Dr. David Gunn in Pensacola, FL, in 1993. A second abortion provider and his security guard were shot and killed the following year in Florida, and on the bloodiest day of the antichoice terror campaign, two clinic workers were killed and five injured in vicious cold-blooded shootings in Brookline, MA.

All told—all told—over 1,800 violent attacks have been reported at reproductive health services clinics in recent years. If I succeed in doing anything with this resolution, it is to make my colleagues aware that the attacks and the level of violence in those attacks are increasing every year.

I know that reproductive choice is a contentious issue. It was decided by the Supreme Court in *Roe v. Wade* in 1973. There are people who agree with the decision; there are people who disagree with the decision. And believe me, Mr. President, I have the deepest

respect for people who hold a view other than mine. Mine is a pro-choice view. Mine is a view that holds that *Roe v. Wade* was a balanced, moderate decision that weighed the rights of everyone involved and basically says that previability, a woman has this right to choose, it is a personal decision and Government isn't involved, but postviability, indeed, the Government can come in and regulate as long as her life and her health are protected at all times.

But I think what is key here is that when someone explodes a bomb in a clinic, this is a violent act. This is not about philosophy, because violence is not a form of speech. Violence is not a form of speech. Violence is criminal. Violence maims, violence kills, and violence hurts the very people who are trying to carry out that cause in a peaceful manner.

I respect those with a different view, but I have no respect for anyone in this country, regardless of their view, who ever resort to violence as a form of speech. This resolution is not about choice, it is about violence.

I know that there is not a single one of my colleagues who believes that murder, bombing and terror and acts of intimidation are appropriate ways to express political views. I know that, Mr. President. This Congress stands firm on saying if you commit one of these acts, it is a Federal crime. These bombings are part of a terrorist campaign, a campaign designed to destroy a woman's right to choose through violence, making her afraid to go to a clinic maybe just to get a Pap smear. Maybe it is her only line of health care. Maybe she wants to find out how she can conceive, so she goes to a clinic. Or maybe she is exercising her right to choose, which is the law of the land.

The U.S. Senate must condemn these attacks as strongly and unequivocally as we condemn other acts of terrorism. When we hear about other acts of terrorism, whether in America or around the world, we are down here with a resolution of condemnation. Well, we should be down here now.

I am proud of the number of cosponsors I have. I invite my colleagues who may be listening to please join in. You need to be on the side of protecting the people whom you represent as they exercise their constitutionally given rights.

In addition to condemning this attack, this resolution expresses the sense of the Senate that the Attorney General should fully enforce existing laws to protect the rights of American women seeking care at these reproductive health care clinics. Again, we passed a law. It is a Federal crime to do violence at these clinics. We need to enforce that law. We need to protect these clinics. We need to devote more resources.

Here is a policeman, alone, unsuspecting, getting caught up in a bombing of a clinic, dying, leaving his family, all alone, watching a clinic,

and being the victim of an explosive device, a bomb. It may well be that the people who perpetrated this, perpetrated other attacks. We don't know that for sure, but we do know one thing. There was a written message that this isn't where they are going to stop. There can be no quarter for these people in this country. It is cowardly to do what they did.

We have a law that says it is a Federal crime to do what they did. We need to prevent these things from happening by devoting more resources, and I call on the Attorney General to do that. We can't leave policemen alone facing these terrorists. We can't leave clinic workers alone facing these terrorists. We need the help of the Federal Government. We pay taxes for that. This is an explosive device. This is not only breaking one Federal law, but more than one Federal law.

So I am proud, again, to be joined by my distinguished colleagues in offering this resolution. I plan to speak with both leaders, Leader LOTT and Leader DASCHLE, about setting aside some time to condemn this violence, to stand up for the people of this country and say, whatever your view, we respect it; however, violence will not be tolerated in this country.

I think if we did this in a bipartisan way, it would send a clear signal to anyone in our country who would even consider making violence a form of speech.

I thank the Presiding Officer, and I yield the floor.

The Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida.

HUMAN CLONING PROHIBITION ACT—MOTION TO PROCEED

Mr. MACK. What is the pending business before the Senate?

The PRESIDING OFFICER. The motion to proceed to S. 1601.

Mr. MACK. Thank you, Mr. President.

I want to begin my comments by making it clear, like I suspect everyone in the U.S. Senate, that I am against human cloning. I have not really found too many people who have come forward with a statement saying that they are for human cloning. I am opposed to human cloning. So, let me make that clear at the beginning of the discussion. But, there is much more to this debate than as to whether one is for or against human cloning, and I think it is important that we get beyond that.

I agree with those who have indicated earlier in the day that, frankly, we need to delay this debate, we need to delay this legislation. You might say, "Well, why?" Certainly the individuals who engaged in producing the legislation are thoughtful, serious people. I do not question that, nor do I question their intentions. But what