

known Jim for 46 years and for ten of those years I was married to him. During those ten years we had five children.

And she goes on to say,

For many of those years he tried his hardest to live what was a lie. Of course, you might say I was the "injured party," but I grew to understand the terrible prejudice and hatred that he knew he would have to face, that he has faced and is facing as he goes through the difficult process that this nomination and its opponents have put him through. James Hormel is my dear friend. I care deeply about him and have great admiration for his courage in being open about his homosexuality and his willingness to put himself on the line in accepting this nomination.

James Hormel's former wife.

Mr. President, let me simply say to my colleagues that this is really an outrage. I understand what my colleague from Oklahoma had to say, but I will have an amendment when we come back that I will put on the first bill I can after the tobacco bill, which will say that the Senate ought to bring this up. The majority leader, we owe it to him.

Now, my colleague from Oklahoma has been clear on his position. I accept that. But I say to my colleagues that this man is eminently qualified. That is crystal clear, I think, to many of us, the majority of us. This man should be able to serve. And if, in fact, the reason he is being stopped—and this is what I fear; and I am not speaking to my colleague from Oklahoma—but if he is being stopped because of discrimination, because of the fact that he is gay, then let that come out on the Senate floor. Let us have the debate. And let's have colleagues come out here, no more holds, and speak directly to this nomination.

If you oppose him, then oppose him on the floor of the Senate. My colleague from Oklahoma has been clear about his position, but let's have that debate. We owe James Hormel this. We owe the U.S. Senate this.

This institution is on trial. If we don't bring this forward, I say to the majority leader, then I think we have to look at ourselves in the mirror. We need to bring this nomination forward. We need to have this debate. And we need to vote up or down. I believe elementary decency dictates that we do that. I will start having amendments on bills that will call on the majority leader to bring this nomination to the floor.

#### ISTEA

Mr. WELLSTONE. Mr. President, we will vote on ISTEA today. I know a number of colleagues want a voice vote. I can feel the pressure building. We are about to leave. I say to colleagues, we are not going to voice vote the bill. We can't have a voice vote. This is an important piece of legislation, and a whole lot has happened in conference committee. Frankly, all of us should be on record voting nay or yea, yea or nay.

For my own part, I want to talk about this piece of legislation. There are two points I want to make. This is a very important piece of legislation. I thank Minnesotans for all of their guidance. There is much about this legislation that I believe in, especially the important investment in infrastructure. I think it is a balanced approach.

However, I will not vote for this bill, and I will not vote for this bill for two reasons. First of all, I won't vote for this bill because—we still don't know what the offsets are, but it looks like much of it comes from VA. I say that because I believe it is an outrage that the money that could have gone into veterans health care—and I could go on for hours about what the gaps are in veterans health care—will, instead, be used as an offset in this legislation. I also believe that too much of this spending will take the place of other discretionary, affecting the most vulnerable citizens in this country.

The second reason that I cannot vote for this piece of legislation, as much as I believe in much of it, is the process. I think at the very end of this process there were several decisions made, one having to do with a sensitive environmental land dispute issue in Minnesota, the Boundary Waters, and I respectfully disagree with the way this is being done.

I will not do any bashing on the floor of the Senate. I don't want to do that. But I will not support this piece of legislation, I want to go on record.

Mr. President, I ask unanimous consent to have a letter printed from the Paralyzed Veterans of America. They say, "Don't Rob America's Veterans Again."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### VETERANS AND TOBACCO-RELATED ILLNESSES

VA compensation benefits should not be taken away for tobacco-related illnesses. Nicotine addiction is a medically recognized disability. DOD was culpable in veterans becoming addicted to cigarettes, and therefore these are bona fide service-connected disabilities. Smoking was not "willful misconduct."

Taking away tobacco-related VA compensation benefits because it is inconvenient for VA to process them, because they are costly, or because it is politically incorrect or unpopular, is a very dangerous precedent to set. What will be next, excluding benefits for bad diet or an unpopular war? There is no sound legal or moral basis to take this benefit away from veterans.

While some argue that veterans made the choice to smoke, no veteran chose to become addicted to nicotine and tobacco products. The tobacco companies, with the unwitting assistance of a military which encouraged and subsidized smoking, made the choice for veterans by getting them addicted to cigarettes.

This is not a new benefit that will be eliminated for the future. This is current law—benefits are already being granted—and what Congress is considering is taking away a veterans benefit.

Veterans are being singled out for unfair treatment. Other federal beneficiaries will continue to receive disability compensation

for tobacco-related illnesses; no one is proposing to abolish SSDI benefits. If passed, this will create an inequitable, unjust and unconstitutional situation under the equal protection clause for one class of individuals—veterans.

Prohibiting compensation for tobacco-related illnesses will have adverse effects on veterans seeking other benefits—related compensation (such as cancer resulting from chemical exposure), and certainly access to health care.

VA's projected savings for prohibiting tobacco-related claims are highly exaggerated. Experience to date shows that it is very difficult for veterans to prove these claims; approximately 7,400 claims have been filed, of some 3,100 that have been adjudicated thus far, fewer than 300 have been granted.

Any effort to take the money away from veterans tobacco-related compensation, in order to pay for pork-barrel transportation projects is an absolute outrage. This is election-year politics at its worst.

Congress must not support this outrageous proposal; Don't Rob America's Veterans!

#### CONGRESS: DON'T ROB AMERICA'S VETERANS AGAIN!

Congress wants to take billions of dollars from veterans' disability compensation in a money grab to increase overblown spending for transportation and highways.

As a result, thousands of sick and disabled veterans will be denied earned disability compensation.

Congress wants to exploit a veteran's use of tobacco as a convenient excuse to stop paying benefits where tobacco use may have had any role in a disability—even though the Department of Defense encouraged, subsidized and promoted tobacco use among servicemen and women.

Yet, Congress is not penalizing other Americans for their use of tobacco. Social Security, for instance, will still pay for tobacco-related disabilities.

Congress has already slashed billions from veterans' health and benefits programs, only to spend the money elsewhere.

To those in Congress who support this outrageous proposal, here's our advice: Quit your own bad habit of continually robbing veterans' programs.

#### Don't Rob America's Veterans!

A message from: AMVETS; Blinded Veterans Association; Disabled American Veterans; Jewish War Veterans of the U.S.A., Inc.; Military Order of the Purple Heart of the U.S.A., Inc.; Non Commissioned Officers Association of the USA; Paralyzed Veterans of America; Veterans of Foreign Wars of the United States; and Vietnam Veterans of America, Inc.

Mr. WELLSTONE. Mr. President, I think they are right. There are too many veterans out on the streets that shouldn't be. There are too many veterans that are struggling with PTSD that are not treated. There are too many veterans that, as they get older, are not clear what care there will be.

We have a flat-line budget that is not going to work for veterans. I think it is a big mistake to have taken this money out of what should have been an investment in veterans health care.

I yield the floor.

#### FOOD STAMPS AND ISTEA

Mr. HARKIN. Mr. President, I was listening to the debate on the House floor. They are debating the agricultural bill which has the food stamp

provision and the crop insurance in it. There is an amendment pending over there that would strip out the food stamps.

The reason I want to take this time on the floor is because I heard some comments made on the House floor that they could pass that by the conference report, strip out the food stamps, send it over to the Senate, and we would pass it today and they could send it down to the President.

I want Members to know right now we had a vote here, 92-8, on that bill to keep the food stamps for immigrants, to keep the crop insurance and the agriculture research altogether. In fact, there was a 77-23 vote on a Gramm of Texas motion to recommit—77-23.

Let me make another statement, Mr. President. If that action takes place in the House, I can see no way that ISTEA could ever be passed here this afternoon before we go home on break.

The PRESIDING OFFICER. The Senator from Maine.

Ms. SNOWE. Thank you, Mr. President.

#### UNIVERSAL TOBACCO SETTLEMENT ACT

Ms. SNOWE. Mr. President, I want to address the Senate this morning with respect to the national tobacco policy legislation that has been on the floor this week. I hope in the final analysis we will be able to come to a common agreement and find common ground on this critical issue and legislation. Clearly, the significance of this issue and the promise of related legislation cannot be overstated with respect to the fact that it certainly could improve the health of our Nation's children.

As a Member of the Senate Commerce Committee, I had the opportunity to work on the original legislation that was reported out of the committee by a 19-1 vote. The committee voted overwhelmingly for the bill because we thought it was important and necessary to move the debate forward on this critical issue. There is no question that the bill which is now on the floor of the Senate is very different from the legislation that was considered in the Commerce Committee, where we began the process of defining and refining the issue, and knew full well that amendments would be offered on the floor to improve it and to reflect the interests and the desires of the Members of this body.

Unfortunately, what ultimately occurred is that we had a total rewrite of the bill through the White House.

It is not unusual to have the White House involved and be an integral part of the discussion in terms of shaping legislation. But, ultimately, the bill was significantly rewritten in most pieces. I can't say it wasn't improved in some places, but other areas raise significant questions. It is one thing to amend a bill and change it on the floor; it is quite another to have this issue altered in a way that is outside of the

scope and purview of the committee, and which has now resulted in some of the problems that have contributed to the delay of this legislation and its passage.

But be that as it may, I hope in the final analysis we don't overlook the reason why this legislation is on the floor of the U.S. Senate, what brought us to this point, why this legislation was crafted, and what we hope to accomplish from the passage, ultimately, of this legislation.

First and foremost, we have to remember this legislation was the result of a settlement reached by the tobacco industry and 40 states attorneys general across the country more than 11 months ago. And the bottom line is that the proposed settlement would not have been reached if it weren't for one simple truth: tobacco products have been killing and continue to kill 420,000 Americans each and every year—and every day, 3,000 children become addicted to tobacco and one-third will eventually die as a result of tobacco-related disease.

If it weren't for this simple truth, the tobacco industry would not have been subjected to years and years of lawsuits and litigation, and this comprehensive settlement would not have been reached. And the fact is, if not for this simple truth, the industry would not have settled with States such as Minnesota recently to the tune of \$6 billion, and three other States across this country. And that is why they were interested in reaching this agreement, because they knew what the truth was. And the most insidious aspect of this whole tobacco debate is the fact that this dangerous and addictive product was marketed to children.

In listening to the debate this past week and hearing the many arguments that have been put forward from divergent points of view, I believe that we cannot afford to forget, nor can we overlook the fact, that this product was deliberately, in a calculated fashion, targeted to young people and teens—even to children as young as 11-year-olds. This product was marketed to individuals who were not old enough to vote, not old enough to drink, not old enough to enlist in the military, not old enough to make any of the life-altering decisions that should be made by adults, and not old enough, ironically, to even purchase this product legally. By the way, these facts aren't just based on hypothetical views or assumptions or conjecture; these are based on more than 40,000 documents that have been unveiled during the course of recent litigation and in crafting the proposed settlement.

When you look at the documents, it provides a disturbing glimpse into the mindset and tactics of the tobacco industry. From this paper trail, we have learned of repeated efforts by the industry to manipulate scientific research, racially stereotype minorities in marketing plans, contrive the nicotine levels in cigarettes, and play down

the risks of smoking. They even demonstrated the manner in which they studied the smoking habits of teenagers, to the extent that they would exploit the teen market so they would have the lifelong support of a group of Americans. They even considered ways to make cigarettes taste better for teens. So this was a very deliberate, calculated effort to hook kids on tobacco. The thousands and thousands of documents outline this effort.

That is the crux of this issue. This is not to say that Americans didn't know that smoking cigarettes was harmful; of course, they did. The question is, "Did the industry deliberately contrive the nicotine levels to make it addictive and then to attract young people so they would smoke throughout their lifetime?"

For the answer, listen to some of the industry's own documents. "The basis of our business is the high school students," said one memo. Another one said, "It is a well-known fact that teenagers like sweet products. Honey might be considered." Another one said, "If our company is to survive and prosper in the long run, we must get our share of the youth market." Another memo said, "... to ensure increased and longer-term growth ... the brand must increase its share penetration among the 14-24 age group ... which represents tomorrow's cigarette business." Another one said, "Today's teenager is tomorrow's potential regular customer."

So these are glaring demonstrations of unscrupulous and unethical conduct on the part of companies.

And that is what brings us to the floor of the Senate. The industry discovered and knew the truth, and they could not escape their past practices. And that is why they entered into a settlement with 40 attorneys general.

While last June's proposed settlement may have been the catalyst for comprehensive tobacco legislation, it did not mean that Congress could not change that settlement. We were not a party to those negotiations, but we have a right to make changes, and it had to come to Congress.

And what has been the result of these industry documents and their intent to market an addictive product to young people in America? This has been the result: More than 5 million children under the age of 18, alive today, will eventually die from smoking-related diseases unless current rates are reversed. Approximately 4.1 million kids age 12 to 17 are current smokers. Almost 90 percent of adult smokers began at or before age 18. Among high school seniors who have ever used smokeless tobacco, almost three-fourths began by the ninth grade. And 3,000 of our children will become addicted to this deadly product every day.

That is what this is all about. That is the debate. That is the heart of this issue, Mr. President.

In my State of Maine, we have one of the highest rates of teen smoking in