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Senate

The Senate met at 9:30 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious God, it is awesome to realize that we have been called to be Your servants, elected to be Your friends, chosen to be Your leaders of this Nation. Grant the women and men of this Senate three liberating assurances today: that You are present in this Chamber, that they are accountable to You for the progress of this day, and that each one is called to be an enterprising instigator of cooperation and creative compromise. Father, You know all the issues of the complicated legislation before the Senate at this time. Resolve differences, create a greater spirit of unity, and motivate oneness in seeking what is really best for our Nation. Before we turn to the challenges of the day, we return to You to be reminded of why we are here and to be renewed by Your strength. In the Name of our Lord and Savior. Amen

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader, Senator LOTT of Mississippi, is recognized.

Mr. LOTT. Mr. President, thank you.

SCHEDULE

Mr. LOTT. Mr. President, the Senate will resume consideration of the Coverdell drug amendment pending to the tobacco legislation. As a reminder to all Members, under a previous order, a cloture vote on the tobacco committee substitute will occur at 2:15 p.m. today. Members have until 12:30 p.m. in order to file second-degree amendments. And with respect to the second cloture motion which was filed, all Members have

until 12:30 in order to file first-degree amendments.

It is hoped that a vote could occur on the Coverdell drug amendment prior to the cloture vote today. Therefore, roll-call votes can be expected this morning prior to the recess for the party caucuses to meet. If the first cloture motion is not invoked—and I expect it will not be—I will be consulting with the minority leader for the timing with regard to the second cloture vote, which would occur some time on Wednesday. It could occur on Wednesday morning, but it will depend on other developments in the interim. Also during today's session, the Senate may consider any legislative or executive items cleared for action.

I ask unanimous consent that the Senate stand in recess from 12:30 p.m. until 2:15 to allow for the weekly party caucuses to meet.

The PRESIDENT pro tempore. Without objection, it is so ordered.

MEASURE PLACED ON THE CALENDAR—H.R. 3433

Mr. LOTT. I understand there is a bill at the desk due for its second reading, Mr. President.

The PRESIDING OFFICER (Mr. HUTCHINSON). The clerk will report the bill for the second time.

The assistant legislative clerk read as follows:

A bill (H.R. 3433) to amend the Social Security Act to establish a Ticket to Work and Self-Sufficiency Program in the Social Security Administration to provide beneficiaries with disabilities meaningful opportunities to work, to extend Medicare coverage for such beneficiaries, and to make additional miscellaneous amendments relating to Social Security.

Mr. LOTT. I object to further proceedings on this matter at this time.

The PRESIDING OFFICER. The bill will be placed on the calendar under rule XIV.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

If the Senator would permit us to execute the order.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

NATIONAL TOBACCO POLICY AND YOUTH SMOKING REDUCTION ACT

The PRESIDING OFFICER. The clerk will report S. 1415.

The assistant legislative clerk read as follows:

A bill (S. 1415) to reform and restructure the processes by which tobacco products are manufactured, marketed, and distributed, to prevent the use of tobacco products by minors, to redress the adverse health effects of tobacco use, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Gregg/Leahy amendment No. 2433 (to amendment No. 2420), to modify the provisions relating to civil liability for tobacco manufacturers.

Gregg/Leahy amendment No. 2434 (to amendment No. 2433), in the nature of a substitute.

Gramm motion to recommit the bill to the Committee on Finance with instructions to report back forthwith, with amendment No. 2436, to modify the provisions relating to civil liability for tobacco manufacturers, and to eliminate the marriage penalty reflected in the standard deduction and to ensure the earned income credit takes into account the elimination of such penalty.

Daschle (for Durbin) amendment No. 2437 (to amendment No. 2436), relating to reductions in underage tobacco usage.

Lott (for Coverdell) modified amendment No. 2451 (to amendment No. 2437), to stop illegal drugs from entering the United States, to provide additional resources to combat illegal drugs, and to establish disincentives for teenagers to use illegal drugs.

Mr. COVERDELLE addressed the Chair.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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S5737

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, I understand that the order of business is the amendment that I and Senator CRAIG and Senator ABRAHAM have made to the tobacco legislation; is that correct?

The PRESIDING OFFICER. The Senator is correct.

AMENDMENT NO. 2451

Mr. COVERDELL. Mr. President, in the closing hours of debate last week, I was somewhat—

Mr. KENNEDY. Parliamentary inquiry. I thought I was recognized and was asked to yield so that the clerk could report. Do I understand that I lost the floor and the Chair recognized another Senator?

The PRESIDING OFFICER. The regular order was the reporting of the bill, at which point recognition was then available. It was at that point I recognized the Senator from Georgia.

Mr. KENNEDY. Further parliamentary inquiry. Since I was recognized by the Chair, could I retain my right to continue to address the Senate?

The PRESIDING OFFICER. The regular order was to report the bill, and at that time recognition was sought by the Senator from Georgia, and he was recognized.

The Senator from Georgia.

Mr. COVERDELL. Mr. President, as I was saying, when the debate was closing, several Senators acknowledged the importance of drug abuse, teenage drug addiction, but thought that, we are suggesting, this was not necessarily the appropriate time to do it, which I take great exception to.

I think this is exactly the time to do it. I think that it sends the wrong message for us to be talking about teenage addiction and wrap our arms around it like it is only involved in tobacco.

About 14,000 teenagers die from drug addiction every year. And, as I will enumerate in a bit, teenagers, parents, our society in general view the No. 1 teenage addiction problem as drugs.

Tobacco is a problem and tobacco use among teenagers has increased by 40 percent. Drug abuse among teenagers has increased by 135 percent in the last 6 years. The figures used last week were that 400,000 people, according to CDC, die each year of smoking-related illnesses. We are dissecting those numbers. I do not dispute them. But the point I make, Mr. President, is that of course this is of the entire population. You can't just measure the effects of teenage drug abuse by measuring the deaths. Fourteen thousand young people die each year, but the societal cost of drugs to our society are just staggering.

Illegal drugs, according to the Robert Wood Johnson Foundation, represents \$67 billion in an annual drain on the United States. According to the University of Southern California, it is \$76 billion. And 80 percent of all prisoners, whether they are in a local jail or Federal prison, today are there on drug-related charges—direct or indirect.

When you look at the scope of the prison population in the United States today, you might as well look at it and say, well, there is the drug-related causes. It is a staggering sum of money. And it produces—remembering that those folks who finally find their way to prison are but a dot on the map as compared to the incidents related to this—these are the handful that the system finally ensnares and gets in prison and is not even a measure of all which has occurred and who have not been apprehended or somehow interacted with the system and never ended up in prison.

We have had a lot of discussions in here of late about violence among teenagers. Our young society is becoming more violent. It is directly related to an increasing consumption and use of drugs by our younger population. It is an epidemic of enormous proportions, and the reach of it is stunning and staggering.

I guess where the other side was headed was that the cost of confronting teenage drug addiction would somehow interfere with the attack on the teenage smoke addiction. First of all, over 25 years, if fully appropriated, this amendment would use 14 percent of the funds raised through the tax hike the other side envisions. Over 10 years, this amendment would consume 23 percent and, over 5 years, 23 percent, in rounded off figures; over 25 years, 14 percent; over 10 years and 5 years, about 23 percent.

If we are using 23 percent of the funds—and by anyone's measure, it is the No. 1 problem—if you want to reduce it to financial measurements, it is an equal problem. The cost to American society is as great on the drug side as it is on the tobacco side. The perception of parents, families, and teenagers is that it is a far greater problem, and in the data we have before us, it is an equal financial problem. So, why in the world would we ever come down here and talk about teenage addiction and not talk about the No. 1 problem—a problem causing massive violence, total disruption, and a financial partner to the costs of tobacco?

This is how public schoolteachers rate the top disciplinary problems: No. 1, drug abuse; No. 2, alcohol abuse; No. 3, pregnancy; No. 4, suicide; No. 5, rape; No. 6, robbery; and No. 9, addiction. I point out that the No. 1 problem is probably driving all the others—robbery, assault, and the others.

A national survey of American attitudes in substance abuse: What is the most important problem facing people your age?—that is, the thing which concerns you the most. That was the question raised for 1996 and 1995. No. 1, 31 percent—one out of three—drugs; No. 2, social pressures; No. 3, crime and violence in school. Not that it is relevant, but after you go through 10 or 12 different items, teenage smoking is never raised at all. That is among students. That is what students say.

What do the parents say when asked the same question? No. 1, drugs; No. 2,

social pressure; No. 3, crime and violence in school. It goes all the way down to getting a job, problems at home. At no time do the teenagers or the parents raise the question of smoking as a serious problem for teenagers.

I don't agree with them. I think teenage smoking is a serious problem, a very serious problem. The point is that the most important problem is drug abuse, teenage drug addiction.

Let me read from the startling results of the 1995 CASA survey of teens. Illegal drugs were cited as the most serious problem teens face, far above any other concern, well ahead of the 14 percent who cite social pressures. This question was open ended, meaning respondents were not provided with a list of possible responses, and it was asked early in the interview before any other question raised, the issue of illegal drugs.

While responses to this question do not strongly correlate with the teen risk score, those who cite drugs as their biggest concern are no less at risk than the average teen. Some interesting patterns do emerge. Teens who cite doing well in school as their biggest concern are less at risk than other kids. They are more concerned with doing well in school, and it keeps their minds attending to other things.

As I said a moment ago, according to the Robert Wood Johnson Foundation, the total economic cost of drug abuse is valued at \$67 billion annually in 1990, up \$23 billion from 1985. Research at the University of Southern California using the same methodology estimated the economic costs of drug abuse at \$76 billion, up more than \$30 billion from 1985.

I don't know the final disposition of this tobacco legislation. I kind of divide the debate into two camps; there is a health-related camp and a revenue-related camp. I am very concerned with the revenue-related camp, but it is my intention and I think the intention of several other members, we are not going to debate the tobacco addiction without including a strong and forceful statement on the issue of teenage drug addiction, the reason being, again, that teenage drug addiction is the No. 1 problem being faced by teenagers. It is an equal partner, in the context of social costs to our society, as tobacco. Parents, teenagers, science-based institutions, law enforcement officers—you can go anywhere in the country, any community, and ask them what the No. 1 problem going on here is, and they will say it is drugs, it is drugs.

I had an Atlanta city traffic judge call on me a couple weeks ago. I didn't know exactly why he wanted to visit. He came into the office. The first words out of his mouth were, "Senator, drugs are burning the heart out of America." He said, "I see it every day, and it is getting worse by the second, and we're not fighting it, we're not taking it on. If we don't, it will ruin our country."

Mr. President, this is the time and the exact moment, and appropriate in

every other way, to bring to the forefront what drugs are doing to America's teenagers, what drugs are doing to America. As we make a conscious decision to deal with the health issues affecting America's teenagers, it is absolutely appropriate we talk about tobacco. We need to get at it. It is a very unhealthy habit, and it can be exceedingly costly. Teenage drug abuse has the same effect, and I might add that smoking marijuana as compared to smoking cigarettes is five times more deadly, five times more deadly.

With that opening statement, I yield the floor.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KERRY. Mr. President, I regret enormously not just the amendment of the Senator from Georgia, which I know is well-intentioned, and I know his efforts on narcotics are sincere, but the entire panoply of amendments that are coming forward on the Republican side—at least in my judgment, and I think in the judgment of many other Senators—calculated not to fundamentally improve the bill but to kill this bill. And there are provisions in here which have very little to do with drug fighting—a voucher provision to allow any Federal education funds to pay the tuition of victims for a religious school or for a private school. Boy, there is one we have spent a lot of time on under the banner of education in the U.S. Senate, which we know to be fundamentally controversial in the Senate. That is here in this bill for the purpose of reducing the number of kids smoking.

What really disturbs me about it—and I think I have been involved in the drug fight as long as anybody in the Senate, since I first came here. I led the effort to try to expose what was happening with our loose borders during all of the efforts to fund the Contras, the narcotics that were flowing through Central America. I have led efforts to put 100,000 cops on the streets of America. We now have that happening. Everybody who fought against it was the first to go out and campaign in their districts, saluting the virtues of community policing. Senator BIDEN and others helped design and fight the 1986 and 1988 drug bills that we passed. There have been many efforts here. There is a sincere effort in the Senate to try to deal with drugs.

But to suggest that we now ought to make the drug effort competitive with the drug effort is rather remarkable to me. What do I mean by that? Well, to stop kids from smoking is part of the drug effort. There isn't anybody who doesn't say that smoking isn't sort of the gateway to marijuana and other drugs, and marijuana a gateway to cocaine, and so forth. If you treat—as we want to in this legislation—tobacco as the addictive substance that it is, that kills people, and recognize that this legislation seeks to give broad authority to the FDA in order to be able to

regulate tobacco, then the question ought to be asked: Why are we setting it up so that we have this competition between the effort to stop kids from smoking and the effort to fight drugs? Let's go to the violent crime trust fund. Let's go to a host of other arenas and do some of the things that the Senator from Georgia is talking about.

But that is not really what is going on here. What is really going on here is the piling on of amendments that are calculated to kill the bill to stop kids from smoking. What is going on here is a group of people who are doing the bidding of the billions of dollars that are being spent on all of the advertising in the country, to somehow suggest to people that this bill is overweighted or that this bill is a tax bill—all the things that this bill is not.

The tobacco companies agreed to raise the price of cigarettes. The tobacco companies are settling in State after State; they are agreeing, and they agreed originally in the national settlement, that the price of cigarettes ought to be raised. The tobacco companies agreed to do that. But the great fear-mongering that is going on, to the tune of millions of dollars being spent on all of these radio advertisements and television advertisements around the country, is to try to scare the American people, because people want to help the tobacco companies and do the bidding of the tobacco companies.

The tobacco companies contribute an awful lot of money to campaigns. The tobacco companies are a powerful lobby in this country, and the tobacco companies are working their will hard to try to convince people that this bill is somehow against the public interest. What is against the public interest, Mr. President, is an effort to stall this bill in the U.S. Senate. What is against the public interest is a willingness to somehow see this bill die and forget about the fact that 400,000 of our fellow citizens die every year as a result of smoking.

The cost to America of smoking is far, far greater than any cost in this bill. I heard the majority leader say over the weekend that this bill is going to die under the weight of amendments. Well, they are not Democrat amendments, they are Republican amendments—amendment after amendment—that are coming, trying to weigh this bill down. Everybody knows that some of the amendments that may have passed are going to be fixed in conference—if we can ever have a conference. Everyone understands that if this bill is given an opportunity to breathe, if it goes out of the Senate and ultimately the House passes a bill, there is going to be a very significant negotiation and a very significant rewrite of whatever is to leave the U.S. Senate.

The effort here is to prevent something from leaving the U.S. Senate, and it is to prevent it from leaving the Senate by doing everything except paying attention to kids who are smoking.

I have heard Republicans come to the floor and criticize the amount of money that is in this bill and the pot that is being used in order to stop kids from smoking. They say, isn't it terrible, here is this big pot of money, and all the Democrats want to do is spend it on some program. Well, the program happens to be counteradvertising to stop kids from smoking; it happens to be a cessation program, proven to work, which involves young people directly in the effort to try to make better choices other than smoking. What do they want to do? They want to come and spend the money on something that has nothing to do with trying to stop kids from smoking—nothing at all.

Their alternative is to fix the marriage penalty. Many of us on this side of the aisle want to fix that, Mr. President. The question is, What is an appropriate amount of money to take out of this bill, and what is the impact on a whole lot of other things that matter? The funding of this bill that the Coverdell amendment would strip away reaches 5 million smokers who would receive cessation services. And 90 percent of young people, age 12 to 17—more than 20 million people—would be exposed to effective counteradvertising that would discourage them from taking up cigarette smoking. And 50 million children would take part in school-based prevention programs, and all 50 States would implement comprehensive State-based prevention programs in order to stop underage smoking and support laws that prohibit the sale of tobacco products to minors and develop culturally sensitive preventive programs.

All of those would be threatened if the Coverdell amendment passed. They would be threatened because the Coverdell amendment wants to take more than half of the money allocated to those efforts and put it into the drug war, the Coast Guard, and into vouchers, into a set of things that, as worthy as some may be, would wind up totally negating the purpose of the health portion of this legislation.

Mr. President, this legislation has traveled, obviously, a very difficult road. But it is clear that the intent of a number of these amendments coming from the Republican side is calculated not to legitimately improve the bill, not to figure out, OK, which one of these cessation programs works the best? Do some States have a better model than others? If so, why don't we try to support those models more? Why don't we get more specific about diverting some of this money into a very specific set of counteradvertising efforts that we know work better? Some of those kinds of things might be very legitimate approaches to improving the bill. But to come in and say, no, we are going to take more than half of the money and just give it to the marriage penalty, and we are going to take some more money and give it to the Coast Guard and other antidrug efforts. Worthy as those may be, as I say, you wind

up stripping away completely the capacity to do what a lot of States are struggling to do and what the health community of this country has advised us again and again is critical that we do if we are going to stop kids from smoking. That is what this bill is about. Somehow, a lot of colleagues seem prepared to simply trample on that. No one disputes the notion that somewhere in the vicinity of 3,000 kids, every single day, start smoking.

No one has come to the floor and been able to dispute the testimony of the tobacco companies themselves who acknowledge that raising the price is a critical component of reducing the accessibility of cigarettes to teenagers. Nobody has any counterevidence to that. But they simply come down and try to pile on the notion that this bill is somehow too big.

Mr. President, in the tobacco bill we have an expert designed approach to try to provide smoking cessation programs for 5 million Americans. That is an effort to try to give a second chance to some 5 million Americans. There are 45- to 50 million Americans who are hooked on cigarettes. How can you come down here and suggest you are going to take half the money that is directed towards 5 million of the 45- to 50 million Americans and say you are improving things with respect to the health of the country or with respect to young people's introduction to an addictive substance that kills them?

There is a total contradiction here in coming down and saying what we have to do is stop cocaine and stop heroin, whatever substance you are trying to stop from coming in with interdiction by beefing up the Coast Guard or beefing up Customs, all of which we ought to do, but doing it at the expense of stopping kids already in this country from smoking cigarettes which are already in this country when we know we have the ability to stop them from doing that.

I don't doubt the urgency the Senator from Georgia applies to the drug war. I have been the first to say we haven't been fighting it adequately, but I am not going to suggest that we ought to be robbing Peter to pay Paul, that we ought to be stealing from these kids in order to somehow beef up the Coast Guard. That doesn't make sense, particularly since cigarettes are the entryway to the very drugs that the Senator from Georgia wants to stop coming in.

So let's find that money. But let's find it in an appropriate place without gutting the cessation, counter advertising and other kinds of efforts that are contained in here to try to stop our own children from smoking in our own country and from getting hold of the cigarettes that are manufactured here that are already here and that kill them here. What is the common sense in coming down here and stripping away all of that to suggest somehow—Do you know what this is? This is, "Let's give the Senate a tough vote.

Let's make it hard for people to vote against drug control, and we can strip away a little bit of the bill and strip away a little more." And indeed it will be overweighted in precisely the way the majority leader suggests because the entire guts of the bill will have been ripped out. That is what we are really talking about.

Mr. President, it seems to me that hopefully colleagues will recognize that the crunch time is coming on whether or not we are going to try to find the bipartisan collegiality to try to legitimately improve this bill or whether people are just determined to kill it. If they kill it, it will be clear to every American why and how it happened and who did it.

That is the choice here. If we want to legitimately restrain what some people on the other side think might be an aberration in terms of a particular choice of spending as to how you stop kids from smoking, then surely we can find a better way to help stop those kids from smoking.

There is a clear distinction between the legitimate effort to try to do that and the efforts that we are seeing on the floor, which are to strip away all the funds altogether and put them into things that have nothing to do with stopping kids from smoking, nothing to do with helping kids to be able to build the character and the value system necessary to empower them to be able to say no to cigarettes. If you can't say no to cigarettes, you are going to have a real hard time saying no to the marijuana, or to the cocaine, or to whatever it is that might flow at a later date. These are directly related.

My hope is that we will recognize the real choices of what lies in this legislation.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. COATS). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DASCHLE. 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. DASCHLE. Mr. President, for the last several days we have attempted to find a way to get around the impasse we have experienced. I am disappointed that we haven't made more progress, and it was only with the frustration which I had experienced that we were led to file cloture on two occasions last week.

Our desire to come to some closure on this bill and on the amendments that are pending could not be greater. We have no reservations and no objections to having a vote on the amendment offered by the Senator from Texas, Senator GRAMM, or the amendment offered by the Senator from Georgia, Senator COVERDELL. What we would like, however, is the opportunity to offer similar amendments that deal with the same issue at approximately

the same time. Let's have an amendment offered by our Republican colleagues. Then let's have an amendment by our Democratic colleagues. Let's go back and forth as we had been doing now for some time. But I really do not think it is the amendments or the procedure relating to the amendments that is keeping us from getting this job done. I think the opponents of the bill will never let a fair process unfold.

It is every Senator's right to hold up legislation. That is the prerogative of the U.S. Senate. So we all understand this is a filibuster. The only way to break a filibuster is to invoke cloture.

The bill, as everyone knows, is designed really to stop 3,000 kids a day from smoking. That is really what this is all about. Since we have been on this bill, 60,000 kids have become smokers. I think everybody needs to understand what has happened; 60,000 new smokers have begun smoking since we started this legislation, 60,000 of them. About one-third of them will die of smoking-related diseases. So 20,000 of those kids at some point, because they started smoking since we have become involved in this legislation, will die.

From votes taken on those issues, it is clear that there is a bipartisan majority for reaching conclusion here. Some of the Senate wants votes on other issues like taxes, drugs, and lawyers. We are prepared, as we have already expressed, to have votes on those issues. Our position is as clear as it can be. Let's have the votes. We voted on lawyers' fees. We have already voted on an array of other issues. Some I voted for, and many I voted against. We are ready to vote on the marriage penalty. We are ready to vote on drug abuse. We are ready to keep voting, just like we started alternating back and forth. We are ready to sit down and work out a way to process the rest of the amendments, and to finish the bill. But we have now spent more time on this bill than any other bill this Congress.

The time for talking is over. Now is the time to act. Now is the time to vote. Now is the time to stand up and be counted. How many more thousands of kids will start smoking before we finish? Another 60,000? 600,000? And, if it is, indeed, one-third of those who will die from smoking, how many kids can we prevent from acquiring the habit and from dying? That is what this bill is about. That is why it is so important to come to cloture.

CLOTURE MOTION

Mr. DASCHLE. Mr. President, I now send a cloture motion signed by 16 of my colleagues to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

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 for S. 1415, the tobacco legislation:

Thomas A. Daschle, Carl Levin, Jeff Bingaman, Daniel K. Akaka, John Glenn, Tim Johnson, Daniel K. Inouye, Dale Bumpers, Ron Wyden, Mary L. Landrieu, John D. Rockefeller IV, Paul S. Sarbanes, Harry Reid, Richard H. Bryan, Kent Conrad, J. Robert Kerrey.

Mr. DASCHLE. Mr. President, I yield the floor.

Mr. SESSIONS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

AMENDMENT NO. 2451

Mr. SESSIONS. Mr. President, this is an important bill, legislation that I hope that this body can reach an accord on. The Coverdell-Craig amendment on drugs is not a way to undermine the bill but a way to improve the bill.

Drug use among young people is the No. 1 concern of parents, according to authoritative polling data. We have a bill that has gone from \$360 billion to, some say, \$750 billion in income to the U.S. Treasury. It would be a tragedy were we not to take this opportunity to do something about the drug abuse problem that continues to increase at extraordinary rates, particularly among young people in America today.

I serve as chairman of the Senate Judiciary Subcommittee on Juvenile Crime. I have had the occasion to deal with the drug abuse problem in that capacity. I also had the occasion, for 15 years, to be a Federal prosecutor and 12 years as U.S. attorney in the Southern District of Alabama. During that time, I was actively involved in the Mobile Bay Area Partnership For Youth, the primary drug-fighting organization which was later added to the Coalition for a Drug-Free Mobile. We worked on a monthly basis with the leadership in our community to do what we could do, as citizens within that community, to reduce drug abuse in our schools and among young people.

I learned some things during that process. I learned that what you do makes a difference. I was proud to have served under the Reagan-Bush administration as a Federal prosecutor. During that time, I observed a continual decline in drug use, according to the University of Michigan study that tested high school seniors, among others, every year for 20 years. It is probably the most authoritative and respected study in America. It showed that, for the 12 years under Presidents Reagan and Bush, drug use went down every single year, something I was extraordinarily proud to have been a part of. President Reagan and Mrs. Reagan sent a message down to every federal agency to cooperate in efforts to reduce drug abuse, because we cared about young people; we did not want them to be hooked on drugs. And it worked. Those who said the drug fight was a failure were wrong; we were making progress.

When President Clinton was elected, I sensed, and told my friends and professional acquaintances who were involved in this area, that he was making

some very serious mistakes. When you go on MTV and you joke about whether or not you inhaled, saying, "Maybe I wish I had," that sends a message to young America that something has changed, that the moral-based unacceptability of drug use message that had gone out consistently for over a decade was now changed; there was going to be a new day. I recognized it then, and so did professionals. This was bad. The drug czar's office, the office that Bill Bennett used so effectively to continue to drive down drug use, was gutted. It is only recently that we have shown the need for the drug czar's office to be strengthened again and for General McCaffrey to begin to stand up to some of the inertia and bureaucracy in this Government to make a clearer point about the problem of drug use.

So, I just say that this is an important matter. It would be unfortunate, indeed, if, in our concern here, as part of this tobacco bill, which is to help the youth and health of children, we didn't also focus on drugs. It is the No. 1 concern of parents, and well it should be.

I would just say this. In general, there are a number of other amendments we need to talk about with regard to this tobacco bill. I have been intimately involved in the attorneys' fees matter. We need to vote on that again. As far as I am concerned, I will not support a bill that does not limit the incredible fees that attorneys stand to gain. So we need to have a discussion about that. We have an attorney in Miami, FL, according to John Stossel on "20/20," who hits golf balls out into the ocean from his beach-front mansion when he practices his driving. That is just indicative of how wealthy they have become from this litigation. He expects not millions, not tens of millions, not hundreds of millions of dollars, but billions of dollars. They want \$2.8 billion in attorneys' fees in Florida.

They say, "A judge can decide this." A judge has already approved \$2.3 billion in attorneys' fees to the firms in Texas. This is extraordinary—a billion dollars. To give an indication, the general fund budget of the State of Alabama is less than a billion dollars. This is the kind of fees we are talking about paying.

So I think we are going to have to talk about that some more. There is a provision in this bill that allows for \$8 billion to be paid out "to victims who win lawsuits, smokers who win lawsuits." They can go to this fund, run by the tobacco companies, and they can get money up to \$8 billion, and then they are cut off. That is a terrible plan, because some States are going to have laws, traditional laws, that will probably not allow smokers to win at all. Other States may allow them to win. One jury may give \$10 million, another nothing—"You smoked; that warned you on the package when you smoked; you should not recover." We are going to have aberrational justice of the most

extraordinary nature. It is going to be like the asbestos litigation, in which there are 200,000 pending asbestos cases today—200,000—and no more than 40 percent of the money paid by the asbestos companies actually got to the victims of asbestos. We are creating the exact same process with this legislation.

So I have an amendment, Senator JEFFORDS and I do; we will be introducing it—to create a compensation fund and let the Secretary of Health and Human Services, under certain guidelines, distribute the money promptly to people who are in need. If you have lung cancer from smoking, your life expectancy is a matter of months. You don't need to have 2 years of litigation before you get any compensation. If you are entitled to it, you ought to get it promptly. We would have awards within 90 days and without attorneys' fees. We don't even need attorneys under those circumstances.

So there are a lot of things we can deal with. We have a huge tax increase, and how we are going to reduce some taxes in the course of this will be important also.

So there are a lot things we need to talk about. We have 17 programs, \$500 billion, \$600 billion, \$700 billion in new income to the Government. We ought not to pass this lightly. It is just going to take some time to go through it. I am chagrined that the Democratic leader would feel we ought to cut off the opportunities to debate and improve this bill.

As I said, I have spent some time wrestling with the drug issue over the years. It is a matter about which I feel very deeply. I gave a lot of my personal time to it. I have worked with civic leaders. I have worked with juvenile judges. I have worked with mental health officials. I have worked with treatment officials and other people. I brought in national experts to my district. I have met with them and talked with them. When I was U.S. Attorney, I chaired a national antidrug committee for the Department of Justice and had a lot of concern about it.

Let me share with you a few thoughts about what we ought to do.

We have—and Senator COVERDELL has done an outstanding job on this legislation—agreed to a particular amendment that I suggested, the parental consent drug testing provision. It is a provision that allocates \$10 million to be available to schools. A school will have to ask for it. It will be voluntary for the school. They will establish a program to drug test within that school. Parents will have to consent for their children to be drug tested. If they do not want them tested, they do not have to allow them to be tested.

I will talk about that for a few minutes and explain why, if we really care about children, this is a tool which I believe has a potential to do more than any single other thing I know of to reduce drug abuse in America.

We have talked about it a lot. We tell our children we do not want them to

use drugs and it is dangerous, but we do not do the things that allow us to know whether or not they are using drugs. Dr. Laura tells us we need to confront our children and be honest with them and find out whether or not they are using drugs. Sometimes you can't always take what they say at face value. Drug testing is a tool for parents, it is a tool for teachers, and it is a tool for people who love children, who care about them. If you love them, if you care about them, you want to know whether or not they are undertaking bad habits.

It is disclosure. It is truth. It is confrontation. It is what the psychologists and psychiatrists call intervention. They will not use a positive drug test to prosecute somebody or to otherwise send them to jail or invoke the criminal law. That is prohibited by this legislation. What it will do is allow that parent, that teacher, that principal to know that this child has a problem and it could get worse. If we intervene early before addiction occurs, we have a much better chance of changing those life habits.

I don't know if this program will work—maybe it won't work—but my experience, and it has been over a number of years, tells me that it will. Let me tell you why.

A number of years ago in the early 1980s, the captain of a Navy aircraft carrier spoke before a civic organization of which I am a member. He told us that less than 2 years before, over 60 percent of the sailors on that ship, in his opinion, had tried an illegal drug within the past few months—60 percent on that naval ship. He said since they began a rigorous program, "Just Say No. No Drugs in Our Navy," and drug testing, that was down to 2 or 3 percent, in his opinion, in a matter of 2 years.

Some people were kicked out of the Navy, true, but not that many. Most of them who had a clear message of what they were expected to do, what kind of standards they were expected to meet and that those standards were going to be enforced, met those standards. Were their lives better? Was the quality of life on a naval ship better when people were not using drugs than when they were? I submit it is much better. And, in fact, I believe if you go back and study what has happened in our military, you will find the great upsurge in quality and strength of our military coincides with the time we took a strong stand on drugs and removed drugs from the military. In fact, the military has some of the lowest drug use statistics of any group in the country. That was progress. That was good. That is the kind of thing that makes life better. It makes better soldiers, it makes those soldiers better family leaders, better parents, better with their lives and community activity. I say that is important.

I talked to a man who ran a work release center in my hometown of Mobile. He told me this story. They had 16

members on a work release gang, and they received approval to do a blind testing of those members for drugs. They had not been doing it that much. They checked them. Fifteen of the 16 had used drugs, they tested positive for drugs on a criminal prison work release program.

When they began to test regularly, drug use went down dramatically. They had discipline—not harsh discipline—but they had discipline for those who did not stay drug free, and it worked. Are those work release people better off because somebody cared enough to test them, to stay on them, to discipline them when they failed? Yes, they are.

Jay Carver, who we brought to my hometown of Mobile, ran the drug testing program in the District of Columbia for many, many years. It was the largest, most effective and efficient drug testing program in the world, I suppose, certainly in America. He said he had people who were testing positive, who had drug problems, tell him they wanted to stay on the program even after their time on it was off. Why? Because it helped them stay off drugs, and they wanted to stay off drugs. That discipline, that testing and reporting, helped them stay drug free.

Prison guards—we have had problems with drugs in prisons, and there has been a small number of prison guards over the years who, it has been discovered, were using drugs and also bringing drugs into the prisons. Drug testing among prison guards has caused a big step forward in reducing drug use in prisons.

Police departments, fire departments, transportation personnel, private companies and businesses all testify to the great increase in productivity that occurs when you eliminate drugs in those departments. I say to you that drug testing has proven to be effective in reducing drug use.

A lot of people have discussed whether or not it can be done in schools and whether or not it is constitutional. I personally believe it is. Certainly it is if parents agree, and if schools voluntarily attempt to offer it as a program, I think we will find perhaps that because certain schools are showing dramatic improvement in reducing drug use, others may want to do it in the future. And if the program doesn't work, well, we will have learned that, too. I suspect if it is properly run, we will have significant drug use reduction, and maybe as the years go by other schools may want to try it and we can develop a more comprehensive program that will improve the fight against drugs.

Mr. President, let me mention a few things that are important. Why do we want to talk about drugs when we are talking about tobacco? Why? Well, this is all about children and their health. Let me share with you some statistics.

Some say, "Well, you are just being political; you are just talking about Presidents Reagan-Bush versus Presi-

dent Clinton," but we ought to know these factors. I predicted to the people I dealt with that the policies of this administration were going to undermine the successes of President Reagan and Mrs. Reagan's "Just Say No to Drugs" program. I see it happening. Let me show you what has happened according to unchallenged statistics throughout this country.

For eighth graders, the portion using any illegal drug in the prior 12 months has increased 71 percent since the election of President Clinton. It has increased 89 percent among 10th graders; 57 percent among 12th graders. That is use of any illicit drug. It has increased that much in this period of time, following a time when it had been going down.

Marijuana use has accounted for much of this increase, and its strong resurgence among eighth graders is obvious. Use of marijuana in the prior 12 months by eighth graders has increased 146 percent since 1992. Yes, tobacco is important, but now we have an indication of why parents say drugs are their No. 1 concern.

Since the year President Clinton was first elected to office, among 10th graders the annual prevalence increased 129 percent, and among 12th graders, 76 percent since 1992.

This is something we ought to have talked more about in this country. I do not think the American people fully understand that policies do have impact, that leadership does count. If you are sounding an uncertain trumpet, then you have a real problem.

I remember the first drug adviser to President Reagan before you had a drug czar. Dr. Carlton Turner was from the small county in Alabama where my mother is from. I got to know him and watched him. He came to our community and he talked about the drug issue at a civic club, my Lions Club.

While he was there, somebody raised their hand and mentioned a rural county. He said the No. 1 cash crop in that county is marijuana, "ha, ha, ha." Dr. Turner jumped down that person's throat. He said, "I don't want you ever laughing about drugs. This is very, very dangerous." He had a Ph.D. and had studied marijuana. That was his field of study. He said, "We should never be laughing about it. This is a serious matter. We, as a nation, need to send a clear, unequivocal message of intolerance to drugs, and we need to stand by it. And you, as leaders in your community, need to do the same."

I thought that was a very good message. I never forgot that. That was in the early 1980s.

We started joking about, "I wish I'd inhaled." We have more drug use references in rock music, more drug use references on television and in movies than we had before. That is bad. It is one of the things I think is driving this increased use.

Daily use of marijuana, according to the survey, continues to rise by even younger and younger people. More than

1 in every 25 of today's high school seniors is a current daily marijuana user, according to the PRIDE study, which is a good study—that is an astounding statistic—with an 18.4 percent increase since only last year.

While only 1.1 percent of 8th graders used marijuana daily in 1997—1 percent is a lot of 8th graders using drugs. That is 1 out of every 100 that are daily users. That still represents an increase of 50 percent since 1992.

LSD has increased. That is Dr. Leary's "get high" drug. It has increased over 52 percent. It has increased 50 percent among 8th graders since 1992.

More than 1 in 20 seniors in the class of 1997 used cocaine this year, a 12.2 percent increase over last year. That is cocaine, a highly addictive drug. Crack-cocaine use has continued its gradual climb among 10th and 12th graders.

Since 1992, annual cocaine use is up 87 percent for 8th graders, 147 percent for 10th graders, and up 77 percent for 12th graders. Those are big increases. That is a real societal problem. That is why parents listed it as such a high priority with them.

So I want to say to those who express their concern about tobacco and its damaging health impact on children, they are correct. But as you know, marijuana, Mr. President, is, I think, 40 times more carcinogenic than tobacco. It is a highly carcinogenic drug, in addition to the adverse effects such as habituation and other problems.

We know, for example, learning skills go down when marijuana is used. Kids grades drop, and they lose their motivation to work. That is a characteristic of marijuana use that ought not be dismissed lightly. It is a very serious drug.

So I just say this, Mr. President—I see the Senator from Arizona has returned to the floor, and I know he has many things he would like to say—but I salute Senator COVERDELL for his outstanding effort to improve this bill with a tough antidrug initiative. It will be effective. I believe the one part of it that I have discussed mostly today, the part that allows drug testing for those high school students, whose parents agree to it, could be a turning point in our effort to reduce drugs among teenagers, to make their lives healthier and richer as time goes by.

My experience, as a Federal prosecutor and as chairman of the Youth Juvenile Crime Subcommittee of the Judiciary Committee, convinces me this is the right course for us to take. I hope that we will continue to pursue it. I hope this amendment will be made a part of the bill, and I know it will strengthen it.

I yield the floor.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, before the Senator from Alabama leaves the floor, I want to thank him for not only

the great, important remarks he has made about the pending amendment concerning the problem of drugs in America, but I want to also thank him for his efforts to resolve another very contentious aspect of this legislation, and that is the issue of lawyers' fees.

There was an amendment that the Senator from Alabama proposed which was defeated, perhaps because the amount of money involved in compensation for the plaintiffs' lawyers was too low. But I know that he and the Senator from Washington, Senator GORTON, and others are working on another amendment I hope we could add to this bill before we vote on final passage that would properly compensate the legal profession who has been involved in this issue, but at the same time not deprive the victims from the compensation they deserve, deprive the programs from the funding that is absolutely critical and needed if we are going to address this issue. The reality is we cannot divert as much money as being contemplated in the State settlements as well as in other areas that would go to the legal profession.

I thank the Senator from Alabama for his work on that. As we all know, in his previous incarnation he served as attorney general of the State of Alabama, and I appreciate his efforts in that direction. I also appreciate the comments he made, his opening comments, and that is, he believes we need to pass this legislation. I believe that still reflects the majority view here in the Senate. And I am eager for the Senate to complete its work on the bill.

Mr. President, we are, I know, in the third week now of contemplation of this legislation and amendments and debate and discussion. Unfortunately, last week's activities were truncated, to some degree, by a requirement for a large number of us to attend the funeral of my predecessor, Barry Goldwater. I think it is clear we are reaching a point in this legislation where we either come to closure or then we have to move on to other issues.

I believe at the right time that cloture should be invoked, if that is what it takes to complete our work in a timely fashion. I hope that rather than cloture we could agree to time agreements on the amendments. I hope we could agree to narrow the amendments even further, and we could dispose of the issues at hand. I think it is important to point out that we have pending amendments which have to do with drugs, we have tax cut alternatives, and we have substitute measures as well as I mentioned earlier an additional amendment on the attorneys' fees issue.

Very frankly, Mr. President, there are not any other significant issues or amendments that would affect this legislation. So I think they could be disposed of in short order if we can enter into time agreements. That will be my effort this morning as we enter into discussions with other Members who have an interest in the bill.

I would not vote for cloture at this time until it is clear to me that we have exhausted our efforts to come to time agreements and dispose of pending amendments. I think that is a far better way of proceeding as, frankly, we do on most pieces of legislation that come before the body.

Mr. President, I also point out that there are interests that want to see this legislation fail.

I think we should acknowledge that. It is interesting, which parts of the political spectrum these efforts come from.

I do not question the motives of any opponent of this legislation, and they may succeed. I remind opponents of this legislation that if it does not move forward and we have to move to other issues, the issue is not going away. No matter what is done on the other side of the aisle, or if nothing is done on the other side of the aisle, there will be, in the words of one well known plaintiff's lawyer in the America, "a rush to the courthouse." There will be 37 States who will proceed with their suits. There will be settlements. If the past four have been any guideline, those judgments are substantial. And, by the way, they have entailed substantial plaintiff fees—in the case of the State of Florida, I believe over \$2 billion, if my memory serves me correctly. So the issue of children and tobacco is not going to go away.

I hope that when colleagues of mine on both sides of the aisle who would rather see this bill die, for whatever reason—whether it be a philosophical problem they have with a "big government solution" or whether it be, in all candor, perhaps, the use of this issue in the November elections to some political advantage, or whatever reason—the issue isn't going away.

Every day that we do delay, there are 3,000 children who start to smoke, and 1,000 of them will die early. I appeal to the better angels of our natures here in this body and ask for a lowering of the rhetoric. I am not sure it does any real good to attack someone else's position on an issue. I don't think it does any good to even question anyone's motives, whether they agree or disagree with this legislation. For the first couple of weeks, or at least the first week or 10 days as we addressed this issue, it was characterized by respect for one another's views and, I think, was very helpful as an educational debate.

Beginning the end of last week, obviously that atmosphere of comity was dramatically reduced, if not disappearing. I hope my colleagues will not get too partisan on this issue. It is not one that should be partisan. It is one that should be, indeed, nonpartisan rather than bipartisan, because it is a problem that transcends party lines.

I intend, as I said, to work this morning in trying to get some time agreements on pending legislation. We clearly have debated the drug amendment to a significant degree, and I think we could vote on that very soon. We continue to talk with Senator GRAMM

about his tax cut amendment. There may be another one besides that, and then substitute measures, and attorneys' fees. I have to say, in all candor, Mr. President, there is no reason to delay any more after we have resolved those issues.

Let me just make a couple comments about the drug amendment. Obviously, illegal drugs are a terrible problem in America. It continues to pose a serious threat to our youth, and I strongly support many aspects of the pending amendment to attack the problem.

I am compelled, however, to mention that one of the criticisms that has been leveled at the pending legislation is the "new bureaucracies" issue: There are new bureaucracies and new programs, and this is a big-government solution. Let me just list some of the new programs and bureaucracies that are in this amendment: Drug Testing Demonstration Program, Driving Work Grant Program, Student Safety and Family Choice Program, Victim and Witness Assistance Program, Victim/Witness Assistance Grants, Report Card Grants, Random Drug Testing Demonstrations, Parental Consent Drug Testing Demonstration Projects, Drug-Free Workplace Grants, Small Business Development Centers, Convicted Drug Dealer Grants, on and on.

So, Mr. President, I hope that those of my colleagues who are supportive of this legislation, as I am, will perhaps better understand why there is money spent for specific reasons in the overall tobacco bill for basically the same reason money is spent for "bureaucracies" in the drug bill—because we have to have some kind of vehicle within existing bureaucracies to attack the problem. None of us should want to say OK, Federal Government, here is the money, do whatever you want to attack either the drug problem or the tobacco problem. We have to specify as to how this body, in its wisdom, with the advice of the experts, can best disperse those funds in programs that will attack the problem.

I think a Driving Grant Program is probably important. I think a Student Safety and Family Choice Program is important. I think Report Card Grants are important. And on and on and on. So those who support this amendment—and I know it is a majority of my colleagues certainly on this side of the aisle—I hope they will understand better why the arguments about "new bureaucracies" is not necessarily valid when we are attempting to address a specific issue with specific programs.

Finally, on the issue of the money, I believe the tobacco trust fund should pay a fair share in taking action that will defend efforts to prevent and cease drug use in America. But I also hope we can take some of the money from the violent crime trust fund and other sources of revenue and ensure that funding for tobacco, for drug enforcement purposes, does not undermine the basic purposes for which the fund was established.

As I said before, I do not support a cloture vote at this time. I am hopeful that we can, as we go through this morning and early afternoon, agree on time agreements on amendments. I do believe that if we can't do that, then we either vote for cloture or we move on to other issues that are important. I believe we can move forward. I believe the majority of the American people want us to move forward, and I am still confident that we can complete this legislation in a timely fashion.

I note the presence of my colleague from Massachusetts on the floor, and I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I want to express strong support for what my friend and colleague from Arizona has commented to the Senate and thank him for this long and continuing battle. He has been a leader in terms of trying to have a responsible position on this tobacco issue. As all of us understand, this has been an issue where there has been a great deal of diversity in this body, but there has been an enormously admirable, noble, and I think commendable effort on his part to try to move this legislation in a responsible way that tries to find a common ground. I want to just commend him for his continued efforts to move this process forward.

We may have some differences on some particular issues as we address them, but I think every Member of this body who believes in the importance of developing a responsible position has to recognize his very, very strong and positive leadership. I join with others who have expressed that previously but, again, take note based upon his continuing efforts and upon his very reasoned statements that he made here earlier today.

Now, I want to just join in welcoming many of our colleagues' focus and attention on the problems that this Nation is facing in terms of substance abuse. I am so delighted that many of our colleagues on the other side of the aisle have brought forth their strong support for this Nation to be addressing this particular problem in a more aggressive way. And I welcome that, because many of us stood on the floor of the U.S. Senate in the period of the past 3 years when we saw the Drug-Free School Program, which is the one program that has been developed that had bipartisan support, that is focused on the high schools of this country, that is focused on dealing with the problems of substance abuse, alcohol abuse, and conflict resolution. It doesn't provide a lot of resources—maybe \$12 or \$14 per school. Nonetheless, there have been a number of very impressive and important programs that have been developed on that. We have seen in recent times many of those who have spoken in favor of this particular amendment voting in favor of cutting the program back in a sig-

nificant way that would bring targeted help and assistance in terms of the at-risk youth. We have seen that program, which includes the young people who are attempting to try to acquire some kind of treatment and attention and have been afflicted by this horrific kind of addiction in terms of substance abuse, significantly cut back and cut back again.

We have seen the important success, I believe, of adding police officers to the streets across this country. The neighborhood policing concept reaches far beyond the total number of 100,000 police officers. I can tell you that in my city of Boston, where they have had the additional kinds of police officers that are community policing, that are involved in the community policing network and are out in schools setting up local kinds of police departments in these schools, in recreational areas, working virtually around the clock and doing a lot of work with community groups, nonprofit agencies, outreaching in terms of trying to deal with some of the problems of gangs. They have had a very important success.

In my State of Massachusetts—particularly in Boston—up to just 2 months ago we went close to 2 years without a youth homicide. There are a lot of factors included in the efforts in Boston. Paul Evans, our commissioner, deserves great credit. The neighborhood policing support that was received as a result of some of these programs played an important part, and, again, that program was opposed.

So I am not going to take much time here this morning to go through the opposition that many of us faced as we were looking for drug courts which have, I think, demonstrated to be very important and very effective in dealing with the more violent aspects of those that are involved in substance abuse, and the battle we have had in terms of support for those kinds of programs that have been developing to try to demonstrate their success in different regions and communities across the country.

So over the period of these past years, many of us have been trying to give additional life to the problems of substance abuse in our society and we haven't been able to get very much support. So whatever the circumstances, we are glad that at least we are hearing on the floor of the U.S. Senate an increasing priority for this Nation in terms of focusing resources. We are not saying that necessarily just adding dollars to a particular program is going to solve the issue, but we do say that the allocations of resources—in this case, the commitment of appropriations, is at least the Nation's priorities in terms of allocating these resources. For many of those, I might say, in watching this debate on the problems of substance abuse and the so-called drug amendment, we have not heard their voices, we have not seen their support, we have not had their votes in the very recent times as all of

us are trying to find ways of dealing with a problem that affects too many communities and families in this Nation.

So if nothing comes out—and hopefully something will—of the debate, at least we will have additional kinds of focus and attention and, hopefully, support to try to help families, schools, and communities deal with the problems of substance abuse.

Let's go back again to what we have here on the floor of the U.S. Senate. What we will find out, Mr. President, if you bring the experts in, in terms of substance abuse, is that virtually without exception the gateway drug to substance abuse is smoking. It is smoking. They will say that is the predominant one, and access to beer is a secondary aspect. But they will say smoking is the gateway drug to substance abuse. We won't take the time this morning—perhaps later in the debate—to show the correlation of smokers to those who get into the use of marijuana, or young smokers that start at 12, 13, and 14 years old that begin to use substances like heroin. The correlation is powerful, it is compelling, and it is convincing. If we are trying to come back to the problems in terms of substance abuse, the first place and the best place to start is with the issue of smoking. The younger the better. The younger the better.

That is why I think it is important, as we are coming to this time in the debate and discussion, to keep our focus on what the underlying legislation is all about, which is the public health of young people in this country, to discourage them from smoking with the increase in price and a vigorous antismoking campaign on the back end to try to help provide both information and assistance, cessation programs, and others, in dealing with the challenge that this Nation is facing, and which other countries are facing as well.

So, Mr. President, this is why it is so important that we get on with the business that is before the Senate, which is getting, I think, action in terms of voting rather than talking on the issue of tobacco legislation. We have all been through these various battles and we have legislation on the floor of the Senate, where there are strong differences of opinion, and the ability to delay action is readily available by Members on this issue. It seems that the debate has moved along. The issues before us are imperative and we ought to go ahead in having the cloture vote, and we can then deal with those amendments that are relevant at that time.

The first vote we are going to be facing this afternoon on the motion to invoke cloture on the tobacco legislation is a key vote. For more than 3 weeks, opponents of the legislation have used every parliamentary trick in the book to prevent the Senate from passing this bill, even though a clear majority are for it. In the 3 weeks since the Senate

started this debate, 66,000 more children have started to smoke, and 3,000 more will start each day until the legislation is enacted and implemented. While the Senate fiddles, the cigarettes burn.

The opponents have attempted to create a smokescreen to divert attention from the real purpose of this legislation, which is to prevent children from beginning to smoke and becoming addicted to tobacco and help current smokers stop smoking. The opponents are desperate to have the Senate focus on anything else—limiting attorneys' fees, reducing the marriage penalty in the tax laws, prohibiting illegal drug use, school vouchers—any issue but the real issue. They would prefer to ignore the fact that tobacco use is responsible for 20 percent of all premature deaths in the United States.

Tobacco is the Nation's leading cause of preventable death and disability. It accounts for 400,000 deaths a year—more deaths than from alcohol, more deaths than from car accidents, more deaths than from suicides, more deaths than from AIDS, more deaths than from homicides, more deaths than from illegal drugs, more deaths than from fires, more deaths than from all of these combined.

Yet, the opponents of this legislation are not interested in protecting the public health and saving lives from tobacco use. They are interested in protecting big tobacco and blocking any effective action that would reduce tobacco use and therefore reduce tobacco profits.

The American people understand what is going on here. Today's vote will lift the smokescreen and demonstrate where each Senator stands on this fundamental issue. Do they stand for further delay and obstruction, or do they have the courage to act against the will of the tobacco lobbyists?

Parents are watching to see if the Senate will continue to allow tobacco companies to blatantly market their products to children, or will we force the Marlboro Man into the sunset?

People are watching to see if the Senate will continue to allow nonsmokers to be exposed to secondhand smoke, which causes 3,000 to 5,000 lung cancer deaths each year in the United States and up to 60 percent of all cases of asthma and bronchitis in young children.

Are we willing to stand up against the tobacco industry, and stand for the smoking cessation programs and the counter-advertising campaigns and the law enforcement efforts that are needed to prevent tobacco sales to minors?

There is no valid reason why the Senate cannot vote on final passage this week. If the majority leader was willing to permit the fair and timely scheduling of amendments from both sides of the aisle, we could complete action on them within a few days. We have filed for cloture because it is the only way to break the parliamentary logjam created by a small group of

willful defenders of the tobacco industry. It will provide an irrefutable public record of who is ready to vote for strong legislation to prevent youth smoking and who is attempting to talk the legislation to death.

The opponents of the McCain bill are engaging in filibuster by amendment—amendments which do not even deal with the subject of smoking prevention. These amendments are transparent attempts to scuttle the legislation, not improve it. The Coverdell amendment would divert more than 80 percent of the funds currently directed to anti-smoking prevention and cessation programs.

According to the analysis, the Coverdell-Craig amendment will slash, as I mentioned, funding for the smoking prevention programs by 82 percent over 5 years. This will be \$13 billion, down to the \$2.4 billion that will match reduction for these programs that have been demonstrated to be effective. We have gone through that in the course of the debate, including my own State of Massachusetts, California, and other various communities, and neighboring countries such as Canada. The list goes on.

Effectively what we are saying is the Office of Management and Budget says this amendment would drain \$10 billion from the \$13 billion set aside by the bill each year for the antismoking programs. Effectively it guts the program.

These anti-smoking initiatives are at the very heart of the legislation. If the Senate is serious about stopping children from beginning to smoke and saving lives from tobacco-induced diseases, we have to invest in these important public health measures.

If the Coverdell amendment is enacted, there will be less funding for smoking cessation programs, for counter-advertising programs, and for school and community-based education initiatives, all of which have an excellent track record of preventing smoking by children and helping adults to stop smoking.

Clearly, we need greater enforcement efforts to prevent the illegal sale of tobacco products to minors. Each year, American youths spend over \$1 billion to purchase tobacco products, despite laws in all 50 states that prohibit underage sales. According to Professor Joseph DiFranza of the University of Massachusetts Medical Center, "if \$1 billion in illegal sales were spread out evenly over an estimated 1 million tobacco retailers nationwide, it would indicate that the average tobacco retailer breaks the law about 500 times a year."

We shouldn't weaken these important law enforcement efforts by reducing their funding, when they could have such a significant effect in reducing teenage smoking.

The federal government currently spends \$520 million a year on tobacco control efforts. That sum is dwarfed by the amount spent to fight illegal drugs, which will total \$16 billion this year—thirty times as much.

Deaths caused by tobacco, 400,000; the amount that is actually spent on Federal spending, \$520 million; deaths caused by substance and illegal drugs is 20,000. We spend close to \$16 billion. Of course, we are all concerned about the problems of substance abuse. But we are talking about now dealing with the issue of tobacco because it is the gateway to the substance abuse problem that we are facing in this country. If we don't understand that interconnection, we don't really understand this problem in a very important way.

This disparity is especially significant, since tobacco use causes 400,000 deaths a year, while illegal drugs are responsible for 20,000 deaths.

Clearly, we can do more to reduce illegal drug use, but those efforts should not come at the expense of needed anti-smoking initiatives. President Clinton has already asked Congress to act this year on a \$17 billion counter-drug budget—the largest anti-drug budget in our history.

The National Drug Control Strategy increases funds for drug intervention programs for youth and for treatment programs. It adds 1,000 officers to the Border Patrol and 540 new DEA positions. Two hundred counter-narcotics agents will be assigned to initiatives to combat heroin and other drug smuggling. In fact, some of the components of the Coverdell amendment duplicate anti-drug strategies set in motion months ago.

The Coverdell amendment contains another provision—private school vouchers—which are poison pills for the tobacco legislation. I strongly oppose these provisions, and the Senate should reject them.

The private school voucher provisions are a blatant attempt to force the Republican anti-public school agenda on the tobacco bill. The Senate has already debated this issue at length earlier this year. We all know that it is a highly contentious issue. We should not revisit it in the context of the tobacco legislation, since private school vouchers are totally unrelated to reducing youth smoking. The only reason it was included in this amendment is to serve as an anchor to weigh down this important bill.

Our goal is to improve the public schools, not abandon them. Instead of draining much-needed resources from public schools, we need to take steps to help all schools, not just a few schools—and to help all students, not just a few students.

The Coverdell amendment would undermine these efforts by diverting federal funds to help private schools.

Supporters of this legislation are certainly prepared to allocate part of the funds to the anti-drug measures in the Coverdell amendment, but it makes no sense to allocate the vast majority of the funds to those programs.

It is time for Republicans in Congress to stop holding the tobacco bill hostage. We should free the prisoner, and do what's needed to reduce smoking.

Cloture should be invoked now to prevent any more delaying tactics. I urge my colleagues to vote to end this pro-tobacco filibuster and pass this needed legislation.

Mr. President, just to reiterate, we welcome the new voices that are speaking in terms of support for the substance abuse programs. We could have used both their voice and their vote in recent years when those programs were under attack and assault here in the appropriations committees as we were trying to deal with those issues. But now that we find new interest in these programs, we welcome their effort. But you can't get away from the fact that even in dealing with the illegal problems of substance abuse and illegal drugs that the gateway to all of this is tobacco. That is what we are focused on. That is the core issue. We take meaningful steps in terms of tobacco by discouraging young people from purchasing as a matter of price, and by taking the antismoking kinds of programs that have been included in this effort, we are going to have a meaningful impact on the number of young people that are going to smoke, and we are going to have a meaningful impact on the problem of substance abuse.

Mr. President, I hope we can come back this afternoon and move towards cloture and get on with the business before the Senate. The American people have been listening to this debate for some 3 weeks. Families are entitled to have a vote to protect their children in this country. We ought to be able to take a stand. We should be willing to take such a stand and be held accountable for that. We will have the first opportunity to do so this afternoon. I hope all of our colleagues will give support for that program so we can move this legislation, so the House will move it, eventually the President will sign it, and we will make meaningful progress in reducing the problems of youth smoking in this country.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator from Missouri.

Mr. ASHCROFT. Mr. President, I am pleased to have this opportunity to speak in regard to the effort to restrict debate on this bill.

Mr. GRAMM. Mr. President, will the Senator yield for a unanimous consent request?

Mr. ASHCROFT. I will be happy to.

Mr. GRAMM. Mr. President, I ask unanimous consent that, following the remarks of the Senator from Missouri, the Senator from Iowa be recognized for 5 minutes, and following those remarks, I be recognized for 20 minutes.

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

Mr. ASHCROFT. Mr. President, I am pleased to have this opportunity to speak briefly against restraining the debate by invoking cloture here. There are too many outstanding issues to invoke cloture and to amend or stop the debate and amendment process. I rise today to oppose invoking cloture on

the tobacco bill. A vote to invoke cloture, a vote to cut off debate on this massive legislation, is a vote in favor of a massive tax increase. It is a vote against tax relief, a vote against fighting illegal drug use in this country. I doubt whether those who are not keenly familiar with the procedures of the Senate would understand that when you invoke cloture, you limit amendments, and if you invoke cloture at this time—if we were to vote to invoke cloture today, we would basically be saying that we could not include in this bill any antidrug measures, we could not include in this bill any tax relief.

I think it is clear that the American people are beginning to learn what this bill is about. The American people are beginning to understand what \$868 billion in new taxes really means. They are beginning to understand that there are boards and commissions and new iterations of the Federal Government, of the National Government, dictating activity in this bill, and it is time for us to continue the debate. The American people are beginning to learn that there is foreign aid in this bill, that there is \$350 million a year in foreign aid just to provide for studies in foreign countries of the impact of smoking in those countries.

This legislation is almost 500 pages long. It is quite possibly an attempt at the largest expansion of government since the ill-fated Health Security Act, President Clinton's attempt to take over one-seventh of the U.S. economy in the health care measure. And, while we have spent several weeks on this bill, we have not begun to scratch the surface of this 480-page bill.

As I believe others who will be coming to the floor will show, you will find a bill like this is very complex. As I mentioned, the kinds of foreign aid measures, the kinds of things virtually unrelated to any benefit people in this United States could expect to receive from this bill are tucked into the nooks and crannies of this bill. It is no wonder people do not want further amendments. It is no wonder they want to curtail debate. But I think it is time we continue to have debate. We have spent several weeks on this bill. We have not begun to scratch the surface. There are issues that we have discussed but haven't voted on and issues that have yet to have a full and fair debate. On Friday, over 100 amendments were filed to this bill. More than 30 Members of this body have filed amendments to this bill. We should not curtail the discussion of this bill by invoking cloture.

Many important issues will not be addressed if cloture is invoked. If cloture is invoked, many of those amendments—the antidrug amendment and the tax cut amendments—would be ruled nongermane and would not be allowed to be considered. Some say this is legislation that is dead or dying and cloture is needed to salvage this legislation. That is the mindset of people who are afraid that the details of the

legislation will be exposed to the American people and, as a result, the American people will no longer support the measure. That is the mindset of people who are afraid the American people will learn that this bill in fact contains a massive tax increase, \$868 billion, and it is focused, 60 percent of it, on people who earn less than \$30,000 a year.

The American people have a right to know what is in this bill, and we have only begun educating the American people about the bill and debating the important issues. We have had only 5 votes on amendments to this legislation, 3 motions to table that were agreed to and 2 that were not—a bill of almost 500 pages and only 5 votes so far. We have not even begun to discuss the controversial provisions regarding tobacco farmers. We have just begun to talk more about the serious problem of illegal drug use by teenagers and the fact that most parents are far more concerned about that than they are about smoking.

We have yet to vote on any amendment to provide relief from the discriminatory marriage penalty. I know there are several Senators who have amendments to address this tax penalty, including the minority leader, who has expressed that. Of course, I have a measure in this respect, as does the Senator from Texas and the Senator from New Mexico. But this cloture motion would put an end to these discussions. I ask my friends who filed this motion, what are they afraid of? Why won't they allow full and fair debate on this bill? What are they afraid of, that the American people will find out that is included in this legislation?

I believe if we are going to raise the kind of taxes that are included in this bill, we need to have a complete and open debate. Unfortunately, some from the beginning have tried to hide the tax increase. The Commerce Committee—I was a member of the committee, but I was the only one to vote against this bill—simply refused to call this a tax; instead, they called it a penalty on the tobacco companies, but put in the bill a requirement that the tobacco companies would pass it on to the American people. Thankfully, what we call something will not change its real character. If it is a tax, it is a tax, whether we call it that or not. The Finance Committee at least had the integrity to say it was a tax and that this is a massive tax increase on the American people.

The fact that the bill requires this to be paid by the American people, by consumers, not the tobacco companies, is something the American people deserve to know. This is a bill that is designed, at least in the minds of many people, to somehow punish the tobacco companies. But there is a mandate in the legislation that requires that the tax be passed through to the consumer. Tobacco companies will be fined if they don't pass the price increase on to the addicted consumers, and of course this

tax does fall most heavily on those who are least able to pay it, those earning less than \$30,000 a year.

Using data provided by the Centers for Disease Control, this tobacco legislation will be an annual \$382 million tax increase on individuals in my home State—a \$382 million tax increase on Missourians. That is more than \$3 million per county in my State. Roughly \$227 million of that amount would be paid by individuals in households of less than \$30,000.

It is clear we should not invoke cloture. Invoking cloture would curtail the availability of amendments relating to drug use. It would curtail the availability of amendments relating to tax relief. In the face of a tax measure which potentially would add \$860-plus billion to the tax responsibilities of the people of this country, I believe we should maintain our ability to talk about tax relief in the same legislation.

With that in mind, I oppose the invoking of cloture here. I think it is bad judgment. It curtails discussion unnecessarily and unduly. It would provide for the masking of the real character of this legislation from the American people when the American people have every right to know and learn about the full nature of this measure.

I thank the Chair for this opportunity to speak, and I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I rise in support of the Coverdell amendment. I sincerely hope that the Senate will adopt this important amendment. I think the main concern on this side of the aisle is not about the importance of an antitobacco campaign and an education program so teenagers will not smoke in the first place. This is very important, and it should be well funded. But money above and beyond that ought to go into fully funding existing programs rather than creating a whole new scheme of programs. Creating new Federal programs is a goal of this administration. It is important that we not just create the programs for their sake, but that we make sure that it is used wisely. There will be a lot of new revenue generated by this bill and we must not use it all to create new Federal programs.

We cannot put an obligation on the people of this country to support programs that we do not know, down the line, how much they are going to cost, just because there is a big new bonanza of money available.

The purpose of this legislation is to keep teenagers from starting to smoke in the first place. This must remain our focal point. This is one important reason that I support the Coverdell amendment, because it will put excess money into existing programs and not create a whole new list of programs. Another is that this amendment will combat illegal drug use—which also kills our children. We should not address one without addressing the other.

If we say that we are going to help our children, then we simply cannot walk away from an opportunity to help them fight against illegal drugs. This is not one against the other—either we fight youth tobacco smoking or we fight illegal drug use. Quite the contrary, this amendment means that we do both.

We are in the process of considering monumental legislation. We are engaged in a major debate about what to do about tobacco. Many of the arguments in favor of this bill focus on keeping kids from starting to smoke. I believe this is a very important objective. But there is more we can do with this bill to help our kids. When you talk to young people about what concerns them, when you look at what they tell pollsters, you learn what most concerns them. If we are going to engage in all of this talk of what to do for young people, it might be a good idea to listen to what they have to say.

Young people today are very concerned about the availability of illegal drugs and of the violence that is all too common in our schools. Whatever else we might say about tobacco, it is not the source of the violence that threatens so many young people. While it has serious health consequences, those are not immediate. Smoking tobacco may give you heart disease or cancer in the future. The use of illegal drugs and the bad things that they do are not a problem of tomorrow, those are problems this very day, they are immediate problems, and the availability of these drugs is what most concerns kids.

We hear very little of this in this debate. I think we make a mistake in not consulting what our young people are telling us. They are telling us that we must also address the use and availability of illegal drugs if we are to protect their health. That is why I am supporting amendments to the tobacco bill that will bring the issue of illegal drugs into the discussion. I wish every time the President took time to discuss tobacco and kids, he would bring the issue of illegal drugs into the discussion. And I wish that the President of the United States would never be seen with a cigar in his mouth if his campaign against tobacco is to be credible.

Seeing that he is not likely to do that, I believe that we in the Congress must talk about illegal drugs. I therefore draw to my colleagues' attention these amendments and ask them to join me in voting for them. That includes the Coverdell-Craig amendment on drug-free neighborhoods and others that strengthen our efforts to deal with illegal drug trafficking and use. These amendments put drugs back into the debate, and they should be there. They should be there every time he talks about tobacco. They should be there every time he talks about children's health. The President should also talk about not only drugs being illegal and not that they are bad because they are illegal—but they are illegal because they are bad. These amendments give

support to increasing our prevention, treatment, and interdiction programs for the issues that most concern our young people.

I also call to mind an important point. In the years that we made "Just Say No" a critical element of our counterdrug efforts, we saw a significant decline in illegal drug use among our young people. And we also saw something else. "Just Say No" had a halo effect. Kids not only stopped using illegal drugs, but they also stopped using tobacco and alcohol in impressive numbers.

In the last several years, in the absence of a coherent antidrug message, drug use is on the rise—use of all drugs—especially among young people. Tobacco use is also on the rise. We must address these threats to the health and well-being of our children. And the situation is worse than we think.

As the most recent national drug strategy hints at and other studies confirm, we have been under reporting drug use for years. That means there are more addicts than we thought; there are more users than we thought. We need to keep this in mind as we talk about teen smoking. We cannot afford to leave a problem that kids say concerns them most out of our discussions. We cannot look young people in the face and tell them that we are doing all this on tobacco for their sake and ignore illegal drugs. This is a landmark opportunity to do both, and we owe it to our kids to do as much as we can.

I yield the floor.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER (Mr. SESSIONS). The Senator from Texas.

Mr. GRAMM. Mr. President, I wanted to come over this morning to say a few words about the bill and about cloture. I am strongly supportive of the amendment by Senator COVERDELL, and what I would like to try to do in my brief remarks is to put this whole debate in proper context. I know literally dozens of our colleagues who support the bill have come over and spoken. It is awfully easy on these kinds of issues for people to get confused. So what I would like to do, very briefly, is to go back and put the focus of attention on where the money is coming from that comes into the bill, where the money is going, and what both—where the money is coming from and where it is going—say about the bill. Then I would like to talk very briefly about the Coverdell amendment and conclude by making a remark on the cloture vote.

First of all, for endless hours our colleagues who support this bill have damned the tobacco companies. They have indicted—convicted on many occasions—the tobacco companies for their activities over the last 25 years. And let me say that it seems to me, based on the evidence they have presented, that if one were sitting on a jury, one would have to find the tobacco companies guilty.

While our colleagues hold the tobacco companies in contempt, seeking to draw our eye to the tobacco companies, the problem is that the money coming into this bill comes not from the tobacco companies but it comes from working Americans who are relatively-modest-income people.

The reality of the bill is, interestingly enough, that while our colleagues who support the bill go on and on about the tobacco companies, damning them for their activities—and justifiably so—the reality of their bill is that the tobacco companies not only do not pay these taxes but they are mandated to pass the taxes through to the consumer.

I hope when people listen to this debate about the terrible activities of tobacco companies, they will realize that what we have in this bill is one of the giant legislative bait and switches in the history of American Government. The bait is tobacco companies—savagely the tobacco companies—but the switch is that we are taxing blue-collar Americans, and, in fact, with an incredible pass-through provision in the bill, we are requiring the tobacco companies to work in concert to see that working Americans pay every penny of these taxes. That is the bait and switch of this bill.

The proponents of the bill hold up tobacco companies to revile, but they reach into the pockets of blue-collar working Americans and take untold billions of dollars in one of the largest tax increases in American history and certainly the most regressive tax increase of any size in the history of this country.

And I would like to remind my colleagues that 34 percent of the over \$600 billion of taxes collected in this bill will come from Americans in families that make \$15,000 or less; 47.1 percent will come from Americans in families that make \$22,000 or less, and 59.1 percent of the taxes in this bill will come from families that make less than \$30,000 a year.

So while our colleagues hold up tobacco companies as this source of evil and the focus of the debate, the reality is that the tobacco companies are paying no taxes and that Americans who make \$30,000 or less are paying 59.1 percent of the taxes in this bill.

This is a tax on blue-collar workers, and it is a massive tax. Let me just give you an example. The Presiding Officer is from Alabama. And 24.9 percent of the people in Alabama, who are adults, smoke. That is 762,857 smokers. If this bill is implemented and, as is predicted by most sources, the price of a pack of cigarettes rises by \$2.78 a pack, that means that a blue-collar worker in Alabama, a truck driver, a waitress, will pay \$1,015 in additional taxes to the Federal Government if they smoke one pack of cigarettes a day.

We can say, well, they ought not to be smoking cigarettes. And, obviously, we all hope they will quit smoking

cigarettes. But the point is, this bill clearly assumes they will continue to smoke in vast numbers, because how else then would the bill get over \$600 billion to spend?

So the question we have to ask ourselves is, in the name of punishing the tobacco companies, why are we imposing a tax of \$1,015 per year on blue-collar workers in Texas and in Alabama and all over the country? It is interesting to note that if this bill goes into effect, the Federal tax burden on people making less than \$10,000 a year will rise by 44.6 percent. So this is a massive confiscatory tax on blue-collar workers.

The amazing thing is, by the logic of this bill, they are the victims. These are the people the tobacco companies conspired to induce to smoke, targeted with their advertising, many of them when they were less than 21 years of age. They now are addicted to nicotine. While the bill dubs them as "victims," and promises them that they will be helped, the reality is the victims are being taxed by a massive amount to fund this bill. That is a point we must never forget.

I have an amendment pending to give some of this money back to blue-collar workers. I have read it written up in many newspapers and being covered in the media. Obviously, I must be doing a poor job of explaining what the objective of this amendment is, or else you would have to conclude that maybe the point is not being portrayed accurately. I would never assert that.

Basically, what I am trying to do here is to say to blue-collar workers all over America who smoke: Look, this bill wants to raise the price of cigarettes to discourage teenagers and to discourage you from smoking. But rather than impoverishing you, our objective is to change the price of cigarettes and alter behavior, so we are going to take a portion, a substantial portion of the money and give it back to blue-collar workers by repealing the marriage penalty for couples that make \$50,000 a year or less.

Now, let me make it clear. In our budget, and the tax cut that will flow from it, we are going to cut the marriage penalty for those who make over \$50,000 a year. And if we do not pass this bill—and increasingly it looks like we may not—then we are going to repeal the marriage penalty for everybody. But the reason that I focused in on \$50,000 and below in this bill, is that smoking in America today is predominantly a blue-collar phenomenon. Seventy-five percent of these taxes will be paid by people who make \$50,000 or less. So the objective here is to give some of the money back to them, so we raise the price of cigarettes but we do not pound blue-collar workers literally into the ground with this tax.

We have been in a period of chaos since my amendment was introduced because our colleagues are concerned about losing the money. If you listen to this debate, almost every day, at

least a dozen times, proponents of the bill say, "This is not about money. This is about smoking. We're raising taxes not because we want the money." They say, "But we're raising taxes because we want to discourage people from smoking, and studies have shown that price is the most effective way to do that."

But their bill belies what they say in two ways: No. 1, they spend the money; and, No. 2, they spend it in the name of getting people to stop smoking when, in fact, of the 60 percent reduction in teenage smoking they seek, 50 percent would be produced by raising price alone.

So what I am trying to do in my amendment is to simply do this. Let them raise the price of cigarettes, but hold them to their word that this is not about money, and give a substantial amount of the money back to blue-collar workers who are paying this tax in the form of a tax cut, and the one I have chosen is to repeal the marriage penalty for modest income people.

I think the debate about the marriage penalty is well understood. When we get to my amendment, I will talk about it in detail. But never in America should there be a penalty involved for people who fall in love and get married. The average marriage penalty in America is \$1,400 of additional taxes that people pay for the privilege of being married. As I have said on numerous occasions, my wife is worth \$1,400, but I think she ought to get the money and not the Government.

And so I am going to hold out on my amendment. This bill will not pass without my amendment being part of it. And it may not pass with my amendment being part of it.

The argument against the tax cut which I have proposed, which is really a rebate to people who are bearing confiscatory taxes under this bill, and the argument against the Coverdell amendment, which seeks to broaden the protection for teenagers from smoking to smoking and drug use, the argument against it is we do not have enough money to do these things.

We are collecting over \$600 billion in this bill, but they do not have enough money to give some of it back to blue-collar workers and they do not have enough money to try to do something about illegal drugs even though that is the No. 1 concern of parents.

In a recent poll, when parents were asked what things they worried most about in terms of things their children might do, 39 percent said using illegal drugs, 16 percent said joining a gang, 9 percent said drinking alcohol, 7 percent said having sex, 7 percent said driving recklessly and 3 percent said chewing or smoking tobacco.

What the Coverdell amendment simply says is, while we are protecting our children, let us not just protect them from the 3 percent, let us protect them from the concern that 39 percent of our parents list as their No. 1 concern, and that is using illegal drugs. But yet our

colleagues say, we do not have enough money to do this.

That leads me to the next point, and that is, what are they using the \$600 billion for? The cold reality is, not only do they have enough money to give some back to workers to prevent a massive tax-and-spend program from coming into effect, not only do we have money to improve our war on drugs and to promote the cessation of smoking for teenagers and adults, but the plain reality is this bill is awash in money. It is obvious from looking at how it is spent. And I want to give you three examples.

The first example has to do with the tobacco farmer. Obviously, we are all concerned about the impact of this bill on tobacco farmers. But when you look at this bill it is clear in looking at the tobacco farmers section that no logic whatever has gone into devising this section. In fact, it is clear that this bill has more money than it knows what to do with.

Let me just give two examples, not to belabor the point. The first example is that we are in the midst of a program we call Freedom to Farm where we literally have gone through our major commodity groups and given farmers transition payments to begin phasing out of the program. We are in the process for wheat, corn, grain sorghum, barley, oats, upland cotton and rice. We paid for wheat, a total over a 7-year period of \$125.34 per acre; for corn, \$220.27; for grain sorghum, \$131.25. The highest payment was for rice, \$714.09 per acre. If you add up all the amounts, all that we paid all seven major crops combined was \$1,495.78. If you multiply that times the 740,000 acres we have planted in tobacco in America, under the Lugar provision of this bill, if you paid the cumulative amount of all the other programs combined, you would pay tobacco farmers \$1,106,877,000. The Lugar provision in the bill pays tobacco farmers \$22,297.29 an acre and they can go right on growing tobacco. We don't even get the land for \$22,297.29 an acre.

Now, my purpose here is not to ridicule this provision. My purpose is to point out how much money is squandered in this bill. Robert Samuelson, in his article in the Washington Post the other day, cites a figure of \$92,000 an hour paid to attorneys in these tobacco settlements. Yet we have no provision of this bill setting out some limit. It is my understanding that we are going to try to limit that at \$1,000 an hour or \$2,000 an hour, but in a bill where supposedly we can't give any of the money back to working people who are bearing a massive tax increase, we have enough money to pay tobacco farmers \$22,297.29 an acre. We have enough money to pay plaintiffs' attorneys \$92,000 an hour.

I have a new one today, and what I thought I would do is begin to do a new one each day that we do this bill. My new one today is on Native American smokers cessation. We have a provision

tucked away in this bill, one of dozens and dozens of provisions, where we are going to provide up to \$7.56 billion for smoker cessation programs among Native Americans. These bills will be targeted at the 1.4 million Native Americans served by the Indian Health Service. Adult Native Americans smoke at a higher rate than the population as a whole—39.2 percent. We will be spending \$18,615.55 per adult Native American smoker in this program. If you have a family in which both adults smoke, we will be spending on their smoker cessation programs under this bill—now, hold your hat on this—\$37,231.10 for every Native American family who smokes, \$37,231.10.

Now, we could buy people a Chevrolet Suburban. We could buy every smoking Native American family a Suburban for what this program will cost on a per capita basis for smokers.

Now, does anybody believe that when we are talking about one little provision—and I could make this point about dozens of other programs, and I will as we go further along the debate—but does anybody believe this bill is seriously "scrubbed" for how we are spending money, when we are spending \$37,231.10 per smoking Native American family on cessation? Does anybody view that as anything other than what a candidate for State office in my State called this whole process when he said, "We won the lottery."

Well, let me remind my colleagues that to some people this money is a lottery, but to blue-collar working Americans who will bear the brunt of this tax, this is going to be a massive tax increase.

Now, even at this late date, what could we do to salvage this bill? I thought I would add one final thing before I end my remarks this morning. What could we do that would make it possible to move ahead with this bill? First of all, the bulk of the money we are collecting ought to go back to the people paying the tax. If the objective of the tax is not to tax and spend, if the objective of the tax is not to fund more government, why not raise cigarette taxes, but give the bulk of the money back to the same people by repealing the marriage penalty, by making health insurance tax deductible for the self-employed, and people who don't get health insurance on their job so that Joe and Sarah Brown—one a waitress and one a truck driver, neither of which gets health insurance on their job—get the same treatment as General Motors.

Repeal the tax penalty. What I would like to see is maybe 60 percent to 70 percent of the money given back in tax rebates—not tax cuts because their taxes are going up. The taxes of Americans making less than \$50,000 a year as family income will go up on a massive scale in this bill. If we repeal the marriage penalty for them, if we make health insurance tax deductible for people who make less than \$50,000 a year, their taxes will still go up as a result of this bill, but they won't go up as

much as they would under the existing bill and will raise the price of cigarettes without impoverishing people. Now, if my colleagues are serious when they say that it is not their objective to get this money to spend it, they just want to raise the price of cigarettes, I don't understand why we don't begin there.

Second, we ought to bring drugs and tobacco on an equal level in the bill and use half our money for smoking cessation for teenagers and half our money to try to get teenagers to stop using drugs. Since 1992, drug use among seniors in high school has risen faster than tobacco use. It is a much more serious problem and ought to be treated at least on par in this bill.

Now, if we had a bill that gave some of the money back to the States, gave some of the money back in tax rebates to the very people who will pay the taxes, and then took the rest of the money, throughout all of the massive overkill—you can't spend the money; the levels of money spent in this bill are virtually unspendable by any stretch of the imagination. Read two paragraphs in here and you can't figure out what they are doing, and we are giving them \$10 billion to do it. Read another paragraph, it is not clear what they are doing, and we are giving them \$20 billion to do it. What I am saying is throw all that stuff out, come up with a coherent, antismoking, antidrug program. If you do that, we have a bill. But if you do that, you do not have what I believe is driving this bill in many quarters, and that is the desire for a massive tax increase to fund the most rapid growth in government spending since Lyndon Johnson became President.

So if this is not about tax and spend, this bill can still be saved. The way it can be saved is give most of the money back in tax cuts, get the benefit of raising the price of cigarettes, give money to the States, take what is left, split it between drug abatement and smoking abatement, and come up with a simple, coherent, practical program to try to abate smoking and drugs for teenagers. If we do that, we can still have a bill. But we are not going to have one of the largest and certainly the most regressive tax increases in American history to fund a massive growth in Government.

I assume my colleagues will vote against cloture. If they vote for cloture, they are basically voting to freeze all of these programs in place—two different programs; I was only talking about one of the two programs for tobacco farmers. All of this wasteful spending, all of these massive tax increases, all of this tax-and-spend effort—if people vote for cloture, they are locking that in, because at that point none of these amendments—the Coverdell amendment to bring in drug abatement, my amendment to give a tax rebate to moderate-income people so we don't drive them into poverty with this tax—all these things will be

denied. The Senate will not have an opportunity to vote on them if they vote for cloture. I trust that my colleagues will not do that.

I yield the floor.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KERRY. Mr. President, I listened with interest to the Senator from Texas. Even when I wasn't on the floor, I heard some of it on the television. I must say that what fascinates me about it is that the real bait and switch is not the bait and switch that he has described. He has tried to describe that somehow because this bill defines a problem of smoking and then raises the prices on cigarettes, which is what the tobacco companies have agreed to do, and the tobacco companies have acknowledged affects the number of people who smoke; but he tries to allege the switch is that we don't like the tobacco companies, so what do we do? We turn around and hurt the victims.

Now, in the next breath, at the end of his speech, the Senator says why don't we just raise the price and give it back to people. Why don't we raise the price, but give it back in tax cuts. The bait and switch is that the Senator from Texas doesn't give the money back to the people who pay it. He gives it back to a whole bunch of people, many of whom are doing much better than the people who will pay the higher cigarette taxes and are also people earning much more income, and also people who don't smoke. The Senator is willing to say in one breath that here you have these victims being hurt by raising the price of cigarettes, but his amendment doesn't help those victims—maybe a very few number of them—because he is willing to give money back under a marriage penalty rebate, which even goes back to people who aren't even hurt by the marriage penalty. Talk about bait and switch. That is the most extraordinary bait and switch.

In addition to that, the Senator wants to have it both ways. The Senator from Texas comes to the floor and says, Why, these folks have presented enough evidence to allow me to find the tobacco companies guilty. So he acknowledges the evidence is that the tobacco companies have targeted young people and have willfully put a narcotic substance into the mainstream of America and helped our children get addicted to it and then lied about it; he acknowledges all of that evidence. He says that is fine; the tobacco companies are terrible, and we ought to do something about it. But what does he say we should do about it? He complains about raising the tax on the victims, but then he agrees that we ought to leave the tax in place, not give the money back to the people who he describes as victims, and somehow we ought to punish the tobacco companies. But he doesn't say how. Well, how are you going to do that?

I remember a few days ago the Senator from Texas came to the floor and

said, "Why don't we have a windfall profit tax?" Whoever heard of any tax on any company for any purpose that isn't subsequently written into their ability to make profits by passing it on to the people who buy their products? The Senator from Texas is, after all, a former economics professor. I know he understands the notion that if it costs you x amount to produce your product and you are in business to make money, you are going to sell your product to people, you are going to write in the cost of doing business to the cost of your product. So if all of a sudden we were to sort of somehow punish the tobacco companies by raising taxes on them, who in America doesn't believe the consumer isn't going to pick up the cost? Who in America doesn't believe if you want a better car with more luxurious appointments in it, are they going to give it to you? No. You are going to pay for it. If the cigarette companies are charged in whatever form you want to call it—a windfall profit, an excess, a bad behavior tax, a deception tax, or whatever you want to call it, to punish the companies, you are absolutely going to see that passed on to the consumer in a higher cost of a pack of cigarettes.

But that is not what we are doing here. The Senator from Texas and those who want to kill this bill and who are working so hard with all of these carefully crafted amendments that create tough votes for people in the Senate understand there is only one reason the U.S. Senate is presented with legislation that raises the cost of a pack of cigarettes, only one reason. It is because every expert in the country—those who have spent more years studying this issue than any of us in the Senate—has told us unequivocally that if you raise the price of cigarettes, you will reduce the number of kids who smoke. That is the reason the cost of cigarettes goes up.

So the Senator and others who oppose this legislation seem to be all over the place. They are willing to accept the price increase. They are crying for the victims, but they don't want to give back the money to the real victims, and at the same time, they are saying this is a big tax bill. At the same time, they are willing to live with the price increase that is the "big tax bill," as long as they give it back to the certain things they think are important. So what we are seeing is the greed factor played out on the floor of the Senate in the form of a lot of ideological grab bags that are going to try to get vouchers. I mean, we are going to have a voucher program here on education taken out of the hides of kids who we are trying to stop from smoking.

The bottom line is that for every day this debate goes on, as our friends try to stop this legislation in its tracks, more American children begin smoking—3,000 a day. For the period of time that we have been on the floor of the Senate debating this, 60,000 kids have

started smoking, and 20,000 of those 60,000 kids will some day die early as a result of a tobacco-related disease. That is what this is about. Now, we keep hearing complaints about the amount of money that is somehow being spent.

I just heard the Senator talk about \$38,000 that is going to be spent per Native American on a cessation program. Well, here is another example of the kinds of distortion that we see in the debate.

First of all, the amount of money that is made available under an authorization only, which has yet to conceivably be appropriated in an appropriate amount, is somewhere between \$70 million and \$196 million on an annual basis. Is that to go, as the Senator argued, just for cessation? The answer is no; that is not what it is for. If this were a real debate about the real issues that really deal with the facts, the Senator would note that it is—one of the critical components this bill has tried to recognize is the extraordinarily bad health status that exists on Indian reservations and within the Native American community, and it tries to deal with that by providing health care equipment, facilities, construction, repair of clinics themselves, and a whole group of inpatient and outpatient services. So the Senator from Texas may want to come to the floor and be cynical and/or sort of sarcastic about Native Americans and suggest that this bill is going to spend \$38,000 per Native American to stop from smoking, but that is not what the bill says. That is not what the bill seeks to do. The bill seeks to rectify an enormous imbalance that for years has taken place in what is available in terms of health care overall, recognizing that all of that plays into any individual's ability to be able to be healthy and stop smoking and reduce other kinds of costs.

We also heard the Senator talk at some length about this unfair tax burden on the average American of \$1,015 that the person who smokes is going to pay in a household under, I think it was about \$30,000 on an annual basis. The Senator's amendment on the marriage tax doesn't just deal with that \$30,000-or-under individual. It goes up to about \$50,000 and, as I said earlier, rewards people. People are actually rewarded by the marriage tax, because there are some people, depending on how much money they earn and what their individual incomes are, who come out better under the current marriage structure in the Tax Code, not worse. They get rewarded, too, under the approach of the Senator from Texas.

But far more importantly, the reality is that there are only four areas where funding is allocated in this legislation: Public health, farmers, research, and the States. Forty percent of the money that is raised in this legislation goes back to the States directly. That very conservative fundamental has been one of the things that the Republicans have

fought for for years. It is called a block grant. There is a block grant of 40 percent of the money. It is interesting that the Senator from Texas and the Senator from Georgia don't take money out of the block grant. They do not take money out of the farmers. They don't take money out of research. They only go to the public health components of this bill and cut that by one-half or more. Here, it is actually considerably more. This is the funding distribution under the public health account. Under the public health account, which would fund cessation programs, counteradvertising, prevention and education, enforcement and learning, antismuggling and Indian health, they would actually take, I believe, 82 percent. That would be cut under this approach in order to go into exclusively the so-called drug war.

Mr. President, if this were a fair-minded effort to try to deal with the problems of this legislation, you might want to try to approach this in a fairer distribution of how you are cutting the funds or how you want to fund the drug war. Some of the efforts the Senator from Georgia wants to make in funding I agree with completely. For years, I have said we don't have a real drug war in America and there is a lot more we could do. But to do it at the expense of those proven efforts that will reduce kids picking up the gateway drug, which is nicotine—tobacco—doesn't make sense. It would be far fairer—if we are going to talk about all the money that is being raised and all the money that is being spent in this legislation, then why not grab back some of the money from the farmers, or from the research, or from the States? I think the answer to that is fairly obvious as to why it isn't happening. It describes the politics of precisely where we find ourselves today.

Mr. President, we keep coming back to the reality. The Senator talks about the victims and the \$1,015 they spend. Nobody is forcing them to do that. One should have a little sympathy, I suppose, because the tobacco companies so adroitly and intensely worked to get them addicted when they were young kids, recognizing that 86 percent of the adults in America who today smoke and are addicted began smoking as children.

We ought to probably feel something about the compulsion that sends them to buy those cigarettes. But if, in fact, raising the price will reduce even some of them smoking, as the tobacco companies have acknowledged—the R.J. Reynolds memoranda, the Philip Morris memoranda, all document that adults were reduced in smoking by the price increases of the 1980s. So it stands to reason that they would be reduced in their smoking levels by this price increase in the late 1990s. But their price increase in the 1990s would be accompanied by very significant efforts to train professionals, to educate children, to reach into our schools, and create a climate within which the en-

tire attitude about smoking and drugs and health will change.

I would suggest respectfully to the Senator from Georgia that nothing would help our antidrug efforts more than some of the value-building, character-building efforts that are part of the counseling and cessation programs that build sufficient self-esteem and awareness among our young people that they will decide not to smoke. Quite clearly, if you have built up the courage and the capacity to say you are going to refuse a cigarette, you are most likely building the foundation to be the kind of person who can also say no to marijuana, which is a form of cigarette. So I think there is a real contradiction in what is happening here—that, unfortunately, to strip away the ability to be able to pursue these proven efforts is significant.

In addition to that, one of the things that the Senator from Texas and others vilify so much is the category under counteradvertising. Mr. President, a number of tobacco industry documents make it clear how much the industry targeted young kids as young as 13 years old. While the Senator says, "I accept the notion that the tobacco companies are evil for having done this and they would be found guilty for doing it," the fact is that it takes a certain counteradvertising effort, which is very expensive to counter, to contradict, and undo that targeting process. You can't just acknowledge it and walk away from it. You can't just say, "I accept. Let's find them guilty, but we are going to give them probation or even less than that." The question is, Are you going to do something about undoing the consequences of it? The fact is that at present there is no national antitobacco public education campaign that counters the protobacco imagery that has been presented to both adults and children by the tobacco companies.

Very few States have the resources to be able to undertake the kind of long-term, sustained effort necessary, I think Nancy Reagan proved beyond any doubt whatsoever in her steadfast and, frankly, significant campaign in the 1980s on the "Just Say No" Program. I join with my colleague in saying that I think there has been a retrenchment from that. I think we have gone backwards. I think the administration has dropped the ball to some degree in its efforts to help counter nationally the kind of efforts we want. "Just Say No" had a profound impact on at least casual use in this country, and we saw the figures go down. Why on Earth then, given that record, would we want to turn away from an effort to have the counter media effort here and have antitobacco advertisements?

The 1994 Surgeon General's report indicates that the mass media are particularly appropriate channels for tobacco education among young people who are heavily exposed to and often greatly interested in the media. Several States, my own among them—

Massachusetts, California, and Arizona—have developed programs that are particularly effective. They work. We have seen a reduction in smoking as a consequence of those efforts. But we have learned that they have to be sustained and they need to be of even greater impact. That means creating this national strategy and having the funding to do it. So that is in here. That is one of the efforts that is being wiped out by the current proposal as well as by most of the criticisms that we have heard.

And the cessation programs themselves—it is just like the debate I remember we had on the crime bill. People came to the floor of the Senate, and there was such scorn and derision about midnight basketball, and such scorn and derision about some of these programs that take place in the boys and girls clubs, or the YMCA or the YWCA. People were able to say those are somehow tax-and-spend programs.

But what we have learned is that they really are the lifeline for a lot of kids in this country who have no parents at home, whose school doors shut at 2 o'clock in the afternoon, and who are, according to the Carnegie Foundation report some 7 years ago, most likely to get into trouble either with an unwanted teenage pregnancy or with some problem with drugs, introduced on the street in the afternoons when there is no adult supervision or structure in their lives. That is a proven fact all across this country. Talk to the president of the Boys and Girls Club. Talk to any of the people who dedicate their lifetimes trying to take care of kids who are stranded, alone, without sufficient parental support. Those people will tell you it makes a difference to have an adult role model, to have adult supervision, to have structure in their lives.

I recently went to a middle school in Charlestown, in Boston, and talked to a lot of kids in the middle school aged 10 to 14 years old. I was dumbstruck to learn that more than 15 percent of those kids aged 10 to 14 were going home in the afternoon, at 2 o'clock, to households that had no adult in them for 4 to 5 hours, for the rest of the day. That is the kind of program that now meets with derision on the floor of the Senate, where, specifically targeted with respect to children, we would have the ability to reduce these kids' exposure to a lot of the vicissitudes of life, not the least of which would be smoking and/or drug dealing and other kinds of problems that arise in the course of the day, unsupervised.

We believe what the Surgeon General and other experts have suggested, which is that there are some 48 million Americans out there who currently smoke and want to quit, who would like to quit, and they spend billions of dollars every year on patches, on nicotine alternatives, on chewing gums, on counseling, on hypnosis, and on all kinds of other efforts just to quit smoking. But one of the most success-

ful ways to quit smoking is to help kids never start.

In Massachusetts, we have a program underway. We wish we could reach more kids. If we pass this legislation, we could reach more kids. But right now, limited as it is, we have been able to reach about a million kids in the State. We have been able to reduce smoking by 30 percent. That is a very significant level. That saves lives, saves money, and ultimately provides a much healthier country.

So that is the choice here. My hope is that a little bit more common sense and a little less effort to stop this legislation in its tracks would guide some of the amending process we are going through. I will join my colleagues and say I think there is a lot of money here. I think some of it might, indeed, be better spent. There are ways we could constructively arrive at that. But if all we are going to do is come to the floor and fight about these amendments that carve out and carve out, with a whole lot of issues involved in them that have already proven very tricky and very contentious and very divisive on the Senate floor in previous incarnations, if we keep revisiting them, one can only interpret that, unfortunately, as an effort to either derail or slow down or stop the fundamental legislation we are trying to achieve ourselves.

There is a simple bottom line here. You cannot argue this every single way—certainly, I suppose you can, and be inconsistent. That never bothered some people around here. But it seems to me if we are going to try to achieve a significant piece of legislation that will affect kids, you can't accept one notion that you ought to raise the price and then cut away the capacity to put into place the significant cessation, counteradvertising, and other kinds of efforts that would most impact the level of teenage smoking, which is what this legislation is all about.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I note Senator STEVENS is on the floor desiring to speak. Might I ask, is he on a short timeframe? Does he want to speak now?

Mr. STEVENS. No. I thank my colleague very much.

Mr. DOMENICI. Mr. President, there are no time limits, are there, on speeches at this point?

The PRESIDING OFFICER. There are no restrictions. We are under consent to adjourn at 12:30.

Mr. DOMENICI. At 12:30; I hope I don't take that long.

Mr. President, I wish I could have been on the floor when Senator GRAMM spoke a little earlier, because I would have risen when he stated what we ought to try to do and what components we ought to try to agree upon to get a bill. I think he is right on. For those who were not listening, let me see if I can repeat.

First of all, let me suggest, in the past—I have noticed that we get large groups of lobbyists in a room promoting causes in only two circumstances. One, when there is a giant tax bill or tax reform measure, the halls are lined with them. That prompted Senator Dole, once, to speak of the "Gucci gultch." The only other time I see a large group in a room joined together lobbying, sending notes, watching television, is when there is a huge amount of money to spend. I have not seen large groups for any other causes. Guess what. In this case, it is obvious. The proponents of the bill have nothing in mind for tax cuts. So this large group meeting, with just scores of people watching every speech on the Senate floor and then sending people out to all the offices to get things done is because this is a giant spending bill.

There is no one more concerned about what is happening to young people and tobacco than I am. I was a smoker for a long time. I didn't start when I was a youngster, however. Fortunately, for me, I quit. It has been 8 or 9 years—I can't remember—and I am very lucky. I have a large group of wonderful children and not a single one smokes. My wife doesn't smoke. I can hardly imagine what a burden I was on them when I had these cigarettes around all the time. I even remember the chairman of the Budget Committee, the distinguished Senator from Florida, Senator Chiles, who had to sit there while I smoked through all these markups. He bought me one of those suction machines. I would have to put my cigarettes on it and then it would suck up all the smoke. At least, he said, I could make it through these 10- to 12-hour markups.

But, frankly, if we knew how to make our children quit smoking with \$150 billion, and we said that is going to really keep them off cigarettes, and cancer rates are going to come down and the adult population is going to imitate the kids and they are going to stop smoking—because we have not talked about adults. I mean, they are smoking, too.

As a matter of fact, those in the health business of the United States and health care—clearly something admirable and something we are all concerned about—they are the lobbyists for this bill. They all started off with something in mind. They had their pet projects, and everybody would talk about them as if they were related to teenage smoking. Everybody would come to the floor and speak about the statistics on teenagers smoking and talk about "that is what we were here for," while the provision of the bill that had to do with teenage smoking is about one fiftieth of the bill in terms of pages. The rest of it is programs, programs we are supposed to fund and money we are supposed to give back to the States.

I wonder how many Senators know that of the amount we give back to the States, we tell them how to spend at

least half of it. When you look at the list, one wonders what the different programs the States are going to spend the money on have to do with teenage smoking. They have nothing to do with it. But it is suggested the Governors chose the programs—and they ought to have the right to—and we ought to comport with it and say “that is all you can use it for,” because, after all, they spent so much State tax money taking care of those people in their States who got lung cancer and were hospitalized, and had these very large treatment expenditures that came out of Medicaid.

Let me tell you, it is absolutely amazing that we are so willing to put a huge portion—40 percent—of what we are supposed to take in under this bill to compensate the States for health care costs when the big health care costs were actually paid for by the U.S. Government taxpayers and the U.S. Government, because Medicare and Medicaid, in particular Medicare, is an Federal program, not a State program. This bill doesn't put a penny in it. It is still going bankrupt because of the enormous drag on that program of more than \$25 billion a year for cancer-related smoking diseases.

Medicaid, I know in my State, is paid for 75 percent by the Federal Government. Some States were 50; some States were 65. I think it is more than logical that a very large portion of anything we get here, if we put this together, should either go back to the taxpayers or will go back to the U.S. Government to help defray the expenses that we put into programs, like Medicare, which tax the American working men and women in a very, very regressive manner.

Having said that, I believe, and I state publicly right here today, that I think a bill can be put together. I am not sure that it isn't too late for many because they are already part of the group that wants to spend all this money on all these different programs that are supposed to be directed at our children smoking, but I believe there ought to be a part of this program that goes back to the States. I don't know that there has to be 40 percent, and I don't know that it has to be for the programs that are dictated in this bill for the States.

I also believe there ought to be a major antismoking and antidrug component to this bill, and it ought to be rather substantial. I certainly compliment the distinguished Senator from Georgia for the amendment that he has which brings front and center an even more disastrous habit which is catching on with our teenagers, more disastrous than smoking, and that has to do with illegal and illicit drugs from marijuana to the hard stuff, to cocaine. Now, the new surge is even something different from cocaine. We thought we were doing some good in that regard. Now heroin is back in vogue and use is growing. I compliment Senators COVERDELL and CRAIG for offering this amendment.

If we decided to give back to the States some but not necessarily as much money as this bill says, if we had a major program in illegal drug prevention akin to the amendment which the distinguished Senator from Georgia and his cosponsor, Senator CRAIG, have put before us, and then we did something for research through the NIH, or related, and gave the taxpayers of this country a break, especially those who are going to see the very onerous cost of cigarettes impinge on their lives because cigarettes may be as high as \$3.50 to \$4.50 a pack, if a bill like this passes, collecting a rather substantial amount of money—and I believe any bill ought to have a component which says let's reduce taxes, and since almost everybody on both sides of the aisle—maybe we quibble over details—but everybody knows the most antifamily, antichildren provision of the Tax Code is the one that punishes families who have two members working for a living as compared to two single people making the same amount—the marriage penalty. It is antifamily, it is antichildren, and clearly, that ought to be fixed. This is a rare opportunity to do that. If we can come together on a stripped-down bill that got rid of a lot of the things in this bill that really are not necessary and are not directly related to the problem at hand, we might make some headway.

I also remind everyone that whenever any of us come here and say let's not pass a brand new major tax-and-spend bill under the nomenclature and title of helping our children quit smoking—Secretary Shalala said that if, indeed, the FDA regulations that they propose could be put in effect—and I will add, if they are constitutional—that they alone have been predicted by the Administration to reduce smoking by 50 percent in 7 years. That is a rather significant proposal and a rather significant assessment by an administration about teenage smoking.

Why are we in such a hurry to put this big tax on and spend it for all these other things under the emphasis—I think ill-placed emphasis—that we are helping people quit smoking, when if we just tried those FDA regulations, if they are constitutional, they would restrain it by 50 percent in 7 years? I doubt we would achieve a higher goal even if we enact this huge tax and spend bill. In fact, I am not at all sure that we will do better.

If you look around the country, as I have in my home State, New Mexico recently completed, I say to my friend from Georgia, a drug, alcohol, and tobacco use survey of public high school students around the State of New Mexico. Not surprising, cigarette use has increased slightly. It is now 54 percent at the 12th grade level. In 1993, it was 47.

What is more shocking about the results of the survey is how much illegal drug use has increased in the past 5 years. In my State—I was looking at the chart which Senator COVERDELL

used—and in my State, marijuana use by 12th graders is up 38 percent; cocaine is up 144 percent; and 51 percent of the students in New Mexico who smoke marijuana said they got it from friends at school. We know that drug use often correlates with illegal behavior. I said “often,” I didn't say “always.”

Sixty-three percent of the kids detained in New Mexico's juvenile justice system for violent behavior reported they used drugs on a weekly basis prior to their arrests. So nationally, the statistics are no more encouraging, and the Senator from Georgia, Senator COVERDELL, has stated those in his emphasis as to why we ought to adopt his amendment.

I support that amendment because it goes after illegal drug use from a number of fronts, and I am particularly pleased that in addition to promoting an anti-illegal drug use campaign, it does give some additional resources to those who are out there in the trenches fighting this war.

I say to Senator COVERDELL, I suggest that in the State of New Mexico, a major group of policemen—probably 40 percent of the law enforcement in the State is one police entity—they informed us and put out an article which they really believe there ought to be more money put into law enforcement. Particularly I will tell you what they are very worried about. They are worried about the fact they are going to get stuck with all the black market and illegal sales of tobacco, and they are going to be the ones to go out and enforce it. They truly believe at these prices it is going to be enormous in a State like ours; that it will come across from Mexico and all different places, and they are going to just be besieged.

Obviously, I have not thought of a way to help local law enforcement in this bill, but it is not too far-fetched as part of that provision which seeks to help us with reference to the black market, that we ought to give some thought to our local law enforcement people.

This afternoon or tomorrow I am going to speak on another subject, but I will say to Senators, I am continually amazed at what I find in this bill as page after page is looked at.

I have two reports here. One is called “Reducing the Health Consequences of Smoking,” 1989. The other is called “The Health Consequences of Using Smokeless Tobacco, Advisory Committee to the Surgeon General.” And there is a third report referred to in a provision of this bill that we can't even get the report, so we have only the executive summary of 1986, a report to the Surgeon General.

All I want to say about it right now is, believe it or not, there is a provision in this bill—I do not know who wrote it—but it says the burden of proof in the courts of America will be shifted to the tobacco companies with reference to any illness, disease, infirmity, that is

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: