

incentives that might cause the HMO doctors to skimp on patient care. Any incentives that exist between the HMO and the doctor must be disclosed to the patients.

This young girl, Paige Lancaster, waited nearly 5 years for a diagnosis, one might argue, in part, because the wrong incentives existed between an HMO and a doctor. The incentives were about saving money rather than providing quality health care.

We very much hope we can get back to the notion in this country that practicing medicine ought to be done in doctor's offices and hospitals, not in the office of some insurance company accountant 500 or 1,000 miles away. It is our hope that we will be able to bring to the floor of the Senate the Patients' Bill of Rights because we think this country needs it. We hope the Senate can debate it and pass it in the coming weeks.

Mr. President, I yield the floor.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I ask unanimous consent to speak as in morning business not to exceed 5 minutes.

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

ELIZABETH "BETSY" DOWNS  
ENGELKEN

Mr. STEVENS. Mr. President, the other day, I had the pleasure of being invited to join my son Ben at the Blessed Sacrament School in Arlington to see my granddaughter participate in one of her first events at that school. I appreciated that opportunity because I had occasion to meet up with a friend, Elizabeth "Betsy" Downs Engelken, who has been a teacher there for some 20 years. We have something in common. She happens to also have a relationship to my granddaughter, because she is the mother of my son's wife, Elizabeth.

As Betsy retires after 20 years, I thought I would come to the floor and talk about this lady who has developed such creative teaching skills and has endless enthusiasm for the children with whom she works. She has a sparkling sense of humor, and it is really a delight to see what she has done working with the Diocese of Arlington for these past 20 years.

While she has been there, Betsy Engelken has developed unique talents to identify students that need special assistance and have learning disabilities. She has been a representative of the teachers on the school board and successfully initiated action to bring about additional recognition for teachers and pay increases.

She has worked on developing new techniques to find ways to bring children into the 21st century. She has brought them awareness of the new kinds of systems that they encounter as they go through school. But above

all, I think she has really had a great impact on the many children she has taught because she has a real commitment to children.

So I want to share with my colleagues the joy I have had recently in terms of being able to participate in this event with my granddaughter Susan. And I also want to congratulate Elizabeth "Betsy" Downs Engelken for her years of commitment to the children of this area.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SMITH of Oregon). Without objection, it is so ordered.

NATIONAL TOBACCO POLICY AND  
YOUTH SMOKING REDUCTION ACT

The Senate continued with the consideration of the bill.

Mr. LOTT. Mr. President, as most Senators are aware, there is a signing ceremony at the White House at 5:30 on the highway transportation bill, so a large number of Senators will be there for that occasion. But we thought it was important we get a vote on the drug-related amendment this afternoon. So we have checked with parties on both sides.

I ask unanimous consent that a vote occur on amendment No. 2451 at 6 p.m. this evening, and immediately following that vote the Senate proceed to vote on the Democratic alternative, with the time between now and 6 o'clock to be equally divided on the issue of drugs.

I further ask unanimous consent that immediately following the granting of this consent, the Democratic leader be recognized to offer their alternative, and the Coverdell amendment be temporarily laid aside for that purpose.

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

Mr. LOTT. For the information of all Senators—and I know Senator KERRY will want to comment; but I want to make it clear what we have done here—these two votes will be the two votes that will begin at 6 p.m., with one right behind the one at 6. They will be the last two votes of the evening.

Following those two votes, we will continue to work on a similar agreement, which we have not yet gotten everybody to sign off on, that will provide for votes on the marriage penalty and the self-deductibility of taxes issue by midday on Wednesday. We are working to see if we can get an agreement to have a vote at 1 o'clock, followed by an alternative that the Democrats would offer.

We do have a joint meeting in the morning to hear the President of South Korea at 10 o'clock. So we will not ac-

tually be able to get started on the marriage penalty and its alternative discussion until about 11 o'clock. But Senators will be notified when the second cloture vote will occur and the marriage penalty votes will occur during Wednesday's session of the Senate, we assume shortly after the noon hour; hopefully by 1 or 2 o'clock.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I want to thank the majority leader for his hard work in putting together this unanimous consent agreement. At the completion of it, we will have made progress on two of the very important key issues associated with this legislation, the drugs and tax cut. I also want to thank him for comity in giving the other side, obviously, an opportunity to propose their amendment. I am very encouraged by this. It seems to me, and the majority leader I hope would agree, that there are a couple of substitutes—attorneys' fees and the agricultural issues—that are the difference between Lugar and the LEAF bill that would keep us from completing action on this legislation.

I want to thank the majority leader, again.

Mr. LOTT. If the Senator would yield, I want to say I have discussed with him today and with others in the Senate and in the administration, the fact of the matter is, we sort of have been locked in this position for a week. The important thing was to try to come to an agreement and get some votes on these important issues. This gets us started in that direction. I think that is important.

Mr. MCCAIN. I think they are two important provisions. Obviously, we have had significant debate on both the issue of drugs and tax cuts. I'm very pleased that we are going to make progress on both of those issues.

I hope the substitutes—one, I understand by Senator HATCH, and the other by Senators GRAMM and DOMENICI would be ready for us to start debating and discussing. We also plan to have another amendment on attorneys' fees, and then what remains, I think we could hopefully get time agreements on the amendments.

As we go through this process, one, we don't have a lot of time left; and, two, we have our up days and our down days. I suggest that all of us try to take and keep a steady stream as we work our way through this important issue.

I thank my friend from Massachusetts for his sincere and very valiant effort to try and maintain the comity on both sides of the aisle. I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I thank the majority leader and the minority leader for their efforts, jointly, with

the Senator from Arizona and others. I am certainly appreciative of the fact we are able to proceed forward with a couple of votes here. I think this is an important beginning of our efforts to be able to really tie down narrowly some of the most contentious issues and to be able to lay out, hopefully, an agenda for the rest of the week which would really enable us to make some progress.

As the Senator from Arizona said, there really aren't that many major issues. There are some concerns Senators have and there are certainly amendments out there, some of which I know the Senator from Arizona and I are perfectly prepared to accept in the context of improving the bill, that we have before the Senate.

AMENDMENT NO. 2634 TO AMENDMENT NO. 2437

(Purpose: 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. KERRY. Mr. President, at this time, I send the Democratic alternative to the desk on behalf of Senator DASCHLE and myself.

The PRESIDING OFFICER. Under the previous order, the Coverdell amendment is set aside and the clerk will report the amendment.

The bill clerk read as follows:

The Senator from Massachusetts [Mr. KERRY] for Mr. DASCHLE, for himself, Mr. Kerry, and Mr. BIDEN, proposes an amendment numbered 2634 to amendment No. 2437.

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

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

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

The PRESIDING OFFICER. The time will be equally divided.

Mr. KERRY. Just to inform Senators and others about what is happening here, we will vote on the Coverdell amendment and we will also vote on a Democratic alternative. The Democratic alternative covers many of the provisions of the Coverdell amendment with respect to drugs, beefing up our Customs enforcement, beefing up the Coast Guard, providing for capacity to be able to do a better job of drug enforcement, but it does so in a way that does not strip from the tobacco legislation the capacity to perform what we set out to perform under the health provisions.

We have maintained the minimum expenditures with respect to the counteradvertising and cessation programs and thereby kept a floor of those things we hope to achieve within the original tobacco legislation. I think that is the most important distinction.

In addition to that, there are a few other distinctions with respect to the needle program. There is a 1-year moratorium rather than a total stripping of that provision. In addition to that, there are a few other corrective meas-

ures with respect to testing and other aspects.

Finally, I might add with respect to the vouchers—because that is, obviously, constitutionally and otherwise such a contentious issue within the Senate—the Democrat alternative provides for the capacity for any victim of a drug-related crime or violent crime within a school system to be able to be properly transferred to another school, but without the guise of creating a whole new program with respect to education that would involve both private schools, parochial schools and the kind of support structure for those schools that obviously has divided the Senate so much in other legislation. We believe it is a more temperate, reasonable approach to the issue that allows us to do the best of what is in the Coverdell proposal with respect to drugs, but also maintain the best of what is in the tobacco legislation.

That is a fundamental summary, if you will, of the distinctions between the two approaches, both of which will be voted on shortly after the hour of 6 o'clock.

Mr. President, I ask unanimous consent to add the Senator from Delaware, Senator BIDEN, as a cosponsor of the alternative.

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

The Senator from North Carolina is recognized.

Mr. FAIRCLOTH. Mr. President, I rise in support of Senator Coverdell's and Senator Craig's amendment. These two Senators have focused attention on a critical issue for the next generation of Americans.

We are here today to discuss the MCCAIN bill, which seeks to combat teen smoking. Now, I doubt whether anyone in this Chamber would argue with the notion that teen smoking and use of tobacco products should be curtailed. But I want to focus our attention on the fact that there are other arguably more serious problems that our young people are facing today and seem to be turning a blind eye to.

I have been told for months that this antitobacco effort is aimed at one goal and one goal only. That is, making sure our children don't smoke and stop if they have started. If the real motivation for this bill were, in fact, to address the problems facing our young people, then someone please tell me why we are not here today addressing other serious problems that teenage Americans are facing—even more serious problems, problems that impact their life in a more direct manner. Why are we not dealing with the problem of teenage drug use which has been on the rise in recent years? Why are we not dealing with the frightening problem of juvenile violence, which is a throwoff from drug use? Why are we not dealing with the problem of teen drinking, with alcohol-related fatalities on the rise around American college campuses and high schools?

Teenage drug use today leads to ruined lives and overdose deaths every

single day in this country. Underage alcohol drinking leads to drunken-driving fatalities every single day in this country.

The Centers for Disease Control and Prevention recently reported two-thirds of eighth graders have experimented with alcohol and 28 percent have been drunk at least once. Two-thirds of eighth graders have been drunk at least once.

A recent study by the National Institute on Alcohol Abuse says that the earlier people start drinking, the more likely they are to become alcoholics and addicted.

Let's put this in the proper perspective. We are debating a \$1 trillion bill that is aimed at preventing children from starting to smoke. Yet, how many billions of dollars are we proposing to combat those other ills that plague our children, which are, in my opinion, more direct and more immediate?

I would like to focus today on the biggest of these problems now facing America's young people, which is the crisis of illegal drugs. While tobacco use by teenagers is a problem, illegal drug use by teenagers is much more than a problem, it is a crisis. And if our mandate is to protect our Nation's children, then we must not ignore our illicit drug crisis. I believe we should take this opportunity to address the problem of the illegal drug crisis in America.

Illegal drugs and drug-related crimes are ripping apart the fiber of families and communities, weighing down our education and health care systems, overburdening the resources of law enforcement, prosecutors, courts, and prisons. Drugs are literally changing the nature of the country our children and grandchildren will inherit. It is a crisis.

Drugs are altering the very definition of what it means to be a child in this country today. They alter the experiences that children have in school, and they are altering children's perception of the world around them.

Drugs are now a pervasive part of what it means to grow up as an adolescent in this country. If you are not a teenager who engages in drug use, you will be one who will be confronted by others who are drug users and presented with the temptation.

I do not think anyone in this Chamber, as much as they might dislike tobacco use, could stand up with a straight face and say the same things about the evils of smoking cigarettes that I have just said about drug use. Drug use is a problem of an entirely different magnitude, and it is unbelievable to me that we are not addressing that problem today.

Let's look at the hard numbers that demonstrate the recent rise in illegal drug use among teenagers while Congress has continued to ignore the problem—and we have ignored it.

Surveys released recently have uniformly shown that drug use is on the rise by our young people. Among

eighth graders—now, these are really children—the proportion using illegal drugs in the prior 12 months has increased by 56 percent since 1992. Now, these are children. Overall teenage drug use has doubled since 1992. One-half of 17-year-olds now say they could buy marijuana within an hour.

Marijuana-related emergency room incidents rose 32 percent last year as a direct result of higher drug impurities and marijuana laced with PCP.

The Drug Abuse Warning Network has data that says that heroin-related emergency room episodes increased a whopping 27 percent in 1997. Now, these are heroin-related episodes among teenagers—up 27 percent in 1 year. Cocaine-related episodes increased by 21 percent. We are not talking about the population as a whole; we are talking about teenagers.

And between 1993 and 1994, the number of overall drug-related incidents rose by 17 percent for individuals between the ages of 12 and 17—12 years old.

In 1993, one out of three juveniles detained by police were under the influence of illicit drugs at the time of their offense, and this is according to statistics from the U.S. Justice Department. This represents a 25 percent increase in crimes committed by young people—teenagers.

It is plain to see that the Clinton administration has been asleep at the wheel on the illegal drug problem. The President is focusing much more of their time and energy on the use of tobacco.

Just look at what the administration's Office of National Drug Control Policy has said about tobacco use by teens versus illegal drugs by teens. The drug control strategy of this administration is laid out in so-called performance measures of effectiveness. That is a very high-sounding thing we are going to do. But in this document, the administration discloses that they have more ambitious goals about lowering teenage smoking and tobacco use than they do about lowering teenage drug use.

They state that their goals are to reduce youth tobacco consumption by 25 percent by 2002 and by 55 percent in 2007. Now, for drug use, they hope to get down about 20 percent by 2002, which is 5 percent less than tobacco, and 50 percent by 2007—again, 5 percent less than tobacco. So it is clear in black and white that the administration's 10-year national drug control strategy is focused on tobacco and not on drugs.

While this President is busy taking on tobacco, a National Guard counterdrug program has been decreased by \$32 million since 1997. This is the very program that helps local sheriffs, who simply cannot afford to own helicopters, planes, and the pilots to go with them. They are fighting drugs on a local level.

With the President's approach, total smoking will not decrease at all; the

children will be smoking marijuana and not tobacco. This administration cares more about tobacco use than it does about illegal drugs. In my opinion, this is a serious misplacement of priorities.

Let me emphasize that I don't even have faith that what the McCain bill proposes to do—supposedly in the name of reducing teenage tobacco use—will even work. It rests on the twin pillars of an advertising ban and a price increase in order to accomplish a decrease in teen tobacco use.

They propose doing away with tobacco advertising, and the sponsors argue that all these flashy, colorful tobacco ads cause kids to smoke. Well, there has never been, as far as I know, an ad for illegal drugs or marijuana in this country; yet, the youth of the Nation are using it more and more every day. They seem to have found out about it without it being advertised.

Secondly, the McCain bill proposes to raise the price of tobacco products drastically, from roughly \$2 to \$5 for a pack of cigarettes, and that the youth of this country, the teenagers, are price sensitive. They think that raising the price would cause these teenagers to stop smoking. What it will do is provoke, quickly and surely, a massive black market so that schoolchildren will be able to buy smuggled cigarettes out of the back of a truck.

I have some more news. If they think raising the price of a pack of cigarettes will slow down cigarette smoking, why hasn't drug use been totally eliminated? The price of marijuana and cocaine on the black market is astronomical.

Therefore, the two pillars upon which the McCain bill rests its attack on teen smoking—an ad ban and a high price—are already in place with respect to illegal drugs. What have they done there? Not anything.

Instead of focusing on these flawed approaches to fighting the problem of teen smoking, we should be looking at legislation that proposes new and innovative approaches to fight the crisis of illegal drug use by our Nation's young people. The hard facts show that there is no mission more vital to our Nation's future than doing more to protect our children and teenagers from the ravages of illegal drugs.

Let's not ignore this problem because it is more politically popular these days to be against tobacco and to talk about it. This tobacco bill is nothing more than a smokescreen to hide the fact that the Clinton administration has been out to lunch on the drug war for 6 years.

It starts from the top. The President joked about his own use of drugs. But drugs are no laughing matter, and they are destroying hundreds of thousands of young people in this country. They are the scourge of the schools and playgrounds. This amendment is about the safety and health of the next generation. It is about the future of this country.

Mr. President, I yield the floor and the remainder of any time I might have.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. JEFFORDS. Mr. President, Senator McCAIN has said I may yield myself such time as I may consume.

The PRESIDING OFFICER. The Senator is recognized.

Mr. JEFFORDS. Mr. President, I am here today to talk about the tobacco bill. As we all know, under the present circumstances, we don't seem to be making much progress. On the other hand, I have been here long enough to know that sometimes we go through these phases where we come to situations where we have sort of a partisan battle on how we should proceed, and then finally, after we do that for a while, we recognize that we both ought to sit down and try to reconcile our differences and join together to make sure we do not let this opportunity pass that we have before us, where we could do so much to help, on the one hand, stop teenagers from starting to smoke and, on the other hand, help those who are addicted to tobacco and do what we can to ensure that they are taken care of.

One of the most sticky problems we have is what to do as far as how to compensate the victims of tobacco. We tried initially to have a system set up where the amount of money that would be subject to lawsuits and claims would be capped. That was killed with the Gregg-Leahy amendment. I have been involved in a number of issues over the years involving these kinds of matters, not the least of which was examining the situation with respect to asbestos, black lung disease, and other matters. And it seemed to me and to others that we ought to look at it as an opportunity to find a solution other than through the court system.

I am here today to talk about an amendment that Senator SESSIONS, Senator ENZI, and I plan to offer in the Senate—in fact, it has already been placed on file—to see what we can do to try to find a more humane system to solve this very difficult situation. Hours, days, and weeks have been spent arguing about liability, per-pack tax levels, States rights, and other issues.

But why are we really here?

No. 1, to reduce teen smoking; and, most importantly, to assure that teens don't start smoking, because we know if they don't start smoking, the odds are they never will smoke. Also, to strengthen the public health program and to ensure that victims of smoking are compensated fairly. That is what I would like to concentrate on today. The amendment that we have will bring logic to the system of compensating individuals.

As I mentioned earlier, throughout my time in Congress I have authored legislation to prevent smoking, supported increasing cigarette prices and requiring manufacturers to disclose the

ingredients in cigarettes, and worked to reverse the impact of tobacco on the health of Americans. In fact, the present bill contains a substantial amount of the language that came from our committee in these areas. It has been adopted by the McCain bill. We have some very good provisions in the basic bill. We have a foundation to build upon. I have done all of these things hoping that together we could end the blight that cigarettes have brought to the lives of millions in this Nation.

Any legislation that Congress approves must ensure that families and individuals harmed by tobacco receive compensation in a timely and equitable manner. I fear, though, that this legislation we are finally considering will not achieve that goal. I am sure it won't. That is why I am here today.

With this bill, States are granted funds to begin to pay the health costs associated with smoking. Individuals, however, are left on their own to seek justice through the court system. You can only imagine the consequence of 50 million people bringing lawsuits. That is the number of potential claimants that you have. I know many lawyers out there are only all too ready to participate in this action. With up to 40 percent of the compensation going directly into their pockets, on the average, the lawyers in this Nation are happy to see this situation occur. But I am not sure that is the most equitable and fair way of doing it. Billions of dollars are at stake, and millions of people's lives are at stake.

But if the legal profession benefits, who loses? Those truly deserving of compensation—smokers and their families facing serious health consequences from smoking—will be left counting pennies. Our amendment attempts to hand these funds to those Americans who must recover from the tragedy of their addiction, and their families.

Our amendment would set up a compensation system designed by a bipartisan commission to award compensation to tobacco victims. This is not a situation where blame has to be determined—the tobacco companies admit to the linkage of smoking to illness. All we are concerned about here is how we should compensate.

Also, there is a certain logic in one of the problems with bringing the court suits. It is a thing called "assuming the risk," where the individuals have had years of looking at labels which tell them that it is a danger to their health. That creates a problem in the tort system as to how you award compensation.

The asbestos cases, as I mentioned earlier, provide us with an example of what may happen if we rely only on the judicial system to resolve the millions of claims against the tobacco manufacturers. As I will show later, it shows you what kind of system came about from the asbestos cases because of the horrendous mess that occurred in the

courts. In the asbestos situation, only hundreds of thousands of lawsuits were brought, and they brought the system to a stoppage. They created a catastrophe. When you think that tobacco could result in millions of cases, you can only imagine what would happen in the court system if this were allowed to continue with this as the only option.

With asbestos, Federal judges struggled with an overwhelming backlog of lawsuits filed across the country on behalf of the asbestos victims. Many of these victims contracted fatal lung disease in working with the product.

I add as a side note, because there is somewhat of a linkage here, that those who suffered from asbestosis and smoked ended up with a much worse situation. So we even have a linkage in that respect.

Many victims died before the courts considered their case. These people never received the compensation they deserved in these cases. We cannot let this happen again in the tobacco case.

Lawsuits over asbestos claims have been mired in the Federal and State courts for over two decades. These lawsuits are few compared to the millions that will arise related to tobacco. In fact, 200,000 asbestos cases were filed in which compensation has been paid.

Another 200,000 cases are pending, and another 200,000 are projected to be filed in the future. Many of the 200,000 claimants who have received compensation have only received about 10 cents on the dollar of what they deserve. It is not getting any better for the remaining claimants.

I shudder to think how long victims of tobacco will need to wait to make it through the courts. Must we again allow individuals to die, waiting for their cases to be heard or settlement to be reached?

No, and we have the solution. No lengthy depositions, years waiting to get to courts, weeks of trial and so on. But first of all, let me talk a little bit about what happened in the asbestos situation.

First of all, when the cases were brought the system came pretty much to a screeching halt, there were so many cases filed. Then awards were granted, heavy damage awards for the first victims. And what happened? The companies were driven into bankruptcy. Finally, in order to allow those companies to at least continue in business, a trust situation was set up so they are run by a trust. A certain amount of the available profits were made available for compensation to victims. However, also, to allow you to see how appropriate this kind of system might be in this case, they also were allowed, if they were not happy with compensation through the commission proposal, to sue.

In the meantime, which has been a couple of years now that this system has been in effect, only one person has gone to the court after going through the compensation commission.

Similarly, our amendment will create a commission to review the research and documents of the tobacco companies that they have long kept secret and compile a list of diseases linked to smoking and develop the compensation that these individuals deserve for their injuries. An individual harmed by smoking can simply apply to the Secretary of Health and Human Services for compensation and receive it in an expedited manner.

Also, we have it worded such that we want to make sure—although we are talking billions of dollars here, that could rise up to many, many billions, up to \$25 billion that could be held in trust for this purpose—we would make sure that those who are most harmed would be considered first. The compensation may be so huge, as far as all of the individuals who may be affected, that you want to make sure those who are permanently disabled or those who are terminally ill would be fully compensated before you get into the lesser harmed individuals.

The amendment also gives these individuals the ability to appeal the decision that was reached if they feel it is appropriate.

The program is funded by voluntary contributions from the tobacco manufacturers. If they refuse to participate, as was in the original part of the bill, they would be subject to the current use of the courts to get the injured parties their just compensation.

The method we have developed would put compensating funds in the hands of victims and not their lawyers. As the asbestos cases show, individuals received less than 40 cents on the dollar of the compensation for the harm they incurred. The lion's share of the money went to make lawyers very wealthy. Why should we do so again? Our approach will avoid costly lawyers' fees and get the compensation to people who deserve it the most.

The asbestos cases will also illustrate what will happen if we rely on lawyers and the courts to strangle the tobacco companies. The asbestos companies eventually went bankrupt, as I mentioned earlier, because of a few earlier judgments that gave claimants such large sums of money. Unfortunately, after companies went bankrupt, individuals who had their suits settled or a judgment reached received only 10 cents on the dollar for damages suffered. A majority of the harmed individuals received almost nothing. In fact, people suffering almost identical symptoms from asbestos exposure received vastly different awards, depending on the jury that heard their case.

These lessons outline for me the importance of the approach we are taking to provide proper compensation to tobacco victims. The amendment will allow the claims to be sorted through and the funds distributed in a timely manner. With this we avoid the huge backlog of cases in our state and federal courts. We grant compensation before the injured parties are no longer

with us. We ensure that tobacco victims will be given their due without lawyers taking a major cut. Finally, all injured parties will be guaranteed a source of funds and all similar claims will be treated equally.

I would strongly urge my colleagues to carefully consider our amendment as an alternative to insure that individuals harmed by tobacco manufacturers will receive the full compensation they deserve in a timely and efficient manner. For our country, we cannot allow a repeat of the asbestos catastrophe, and most especially for the people that were harmed by the tobacco manufacturers.

The PRESIDING OFFICER. The time of the Senator has expired.

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

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, how much time do we have remaining?

The PRESIDING OFFICER. The Senator has the time remaining until 6 o'clock.

Mr. KERRY. I thank the Chair. I will ask unanimous consent a memorandum from the National Governors' Association, which is opposed to the Coverdell-Craig-Abraham amendment, be printed in the RECORD.

Let me just say the Governors are deeply concerned about the financing mechanism which violates the financing that they are obviously concerned about with respect to the State expenditures on the cessation programs and other efforts with respect to the antismoking effort.

I also ask unanimous consent that a statement of the national president of the Fraternal Order of Police in opposition to the Coverdell amendment be printed in the RECORD.

I would just summarize. While they say it has a laudable goal of augmenting the ability of the Customs Service to interdict contraband coming across the border, they are deeply concerned about some antilabor schemes that strip Federal agents of their rights as employees. It also has significant language with respect to the bargaining process which would be changed without a hearing.

So I ask unanimous consent that both of those memoranda be printed in the RECORD.

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

NATIONAL GOVERNORS ASSOCIATION,  
Washington, DC, June 5, 1998.

To: Washington Directors, Health Reps, and State Contacts w/o DC offices.  
From: Jennifer Baxendell.  
Subject: Tobacco Amendment.

The Coverdell-Craig-Abraham anti-drug proposal will be the first amendment voted on next week after the cloture vote is completed. A summary of the amendment is attached.

Without entering into the merit of the amendment itself, its financing mechanism violates our principle of opposing any amendment that reduces the pool of \$196.5

billion over 25 years reserved for the states. The Coverdell amendment is estimated to cost between \$2 and \$3 billion annually, which is to be financed through the trust fund. This earmark would be taken off the top of the trust fund, shrinking the amount of money against which the 40% of the revenue reserved for the states would be applied.

Please contact your Senate offices again in opposition to reduction of the state settlement pool. The McCain bill provides the federal government with over \$320 billion in new tobacco revenues over 25 years with which to finance Washington's prioritized investments.

Call me at 202-624-5336 with questions/feedback. Thanks.

NATIONAL LEGISLATIVE PROGRAM,

Washington, DC, June 5, 1998.

STATEMENT OF GILBERT G. GALLEGOS, NATIONAL PRESIDENT OF THE FRATERNAL ORDER OF POLICE ON COVERDELL AMENDMENT TO S. 1415

The more than 272,000 rank-and-file members of the Fraternal Order of Police want to make absolutely clear our vehement opposition to language contained in an amendment offered by Senator Coverdell and others to S. 1415, the "Universal Tobacco Settlement Act."

This amendment, which has the laudable goal of augmenting the ability of the Customs Service to interdict contraband coming across the border, contains an anti-labor scheme to strip Federal agents of their rights as employees and thwart bargaining partnerships between rank-and-file agents and management by giving the Secretary of the Treasury the carte blanche power to nullify collective bargaining agreements.

It also gives the Secretary additional retaliatory powers against officers who do not kow-tow to management's every whim by enabling the unheard of power of transferring—permanently—up to five percent (5%) of Customs officers employed to new duty stations. This not only removes experienced interdiction officers—and does so for potentially political reasons—it also uproots families. This is simply unacceptable.

Perhaps the most blatantly offensive language in the amendment is the "sense of Congress" that collective bargaining undermines the war on drugs at our border. This patently untrue. Is it the sense of Congress then, that the officers who are charged with keeping narcotics out of country, preventing drugs from reaching our neighborhoods and schools, would somehow be parties to agreements that undermine that responsibility? Many of the bargaining issues discussed at the table are critically important to the success of the law enforcement mission—officer safety, hour and wage issues. If Congress wishes to strengthen the ability of our officers to fight drugs on our border, they would do well to endorse and strengthen the commitment of the Treasury Department to agreements reached between labor and management at the bargaining table. This language in amendment does not make any "sense" at all.

The amendment also includes language which gives the Treasury Department the ability to nullify any agreement that might have been reached if negotiations continue for more than ninety (90) days and impose their own "last offer." This is absurdly unfair. No matter what happens, the Treasury Department will "win" in the collective bargaining process, and this amendment will substantially weaken the ability to Customs officers to negotiate on an equal playing field.

This amendment contains a poorly concealed attempt to strip away the rights of

law enforcement officers, and the Fraternal Order of Police, cannot support Senator Coverdell's proposal unless he strikes the anti-labor language it contains.

Law enforcement officers have, arguably, one of the toughest jobs in the nation. They alone are charged with keeping the streets and neighborhoods of this country safe from crime and drugs. Every day, police officers put their lives on the line—life and death decisions are in the job description. To restrict the ability of these officers to sit down and talk with their employers about workplace issues—when the work they do is to prevent drugs from making it into the United States—is counterproductive to the law enforcement mission and common sense.

Mr. KERRY. Mr. President, let me summarize, if I may, what the Democrat alternative, the amendment which Senator DASCHLE has submitted, seeks to accomplish here. First of all, the alternative antidrug amendment does not jeopardize the funding for public health. I think this is critical to understand. The Coverdell amendment will take more than 50 percent of the public health money and strip that away so as to deny the capacity of the tobacco legislation to accomplish the cessation programs, the State assistance programs, the counteradvertising and other efforts, in order to reduce the number of kids smoking.

What we seek to achieve in the Daschle alternative is we remove the section in the Coverdell amendment that would have eliminated the floors for funding of public health programs from the tobacco trust fund, which would have also diverted that money for other purposes.

Second, we include tough money-laundering provisions that provide critical assistance to State and Federal law enforcement in order to combat drug problems by enhancing the Federal prosecutors' ability to combat international money laundering and to seize the assets of drug kingpins and others who have engaged in illegal activities, which, I might add, would significantly augment our ability to fight drugs as well as provide additional economic assistance to some of the antitobacco efforts. In addition to that, we provide the States with additional funding to drug test, and we provide drug treatment for inmates.

None of that is in the Coverdell approach. So it is clear, there are significant differences in how one can do a better job of fighting drugs. We believe the money-laundering provisions in the Democrat alternative are significantly stronger than in their approach.

In addition, we have what we believe are significantly improved versions of some of the antidrug initiatives set forth in the Coverdell legislation without the liabilities carried in the Coverdell amendment. First of all, there are additional resources for interdiction. There is an increased budget for U.S. Customs, increased budget for the Coast Guard, and increased budget for the Department of Defense. But, instead of grabbing that, robbing Peter to pay Paul, stealing from the trust fund, so to speak, and denying us the

ability to accomplish the fundamental goals of the antitobacco legislation, we seek to authorize that from the general revenues, which is really a more fair and more thoughtful way, in our judgment, to be able to try to deal with the problem of a drug war.

We have significant additional measures with respect to drug-free borders. We do so without attacking some of the entities that are a critical component of the drug war: Customs agents, police, and others. We increase the civil and criminal penalties for customs violations, and we raise the number of border agents by 2003 to 15,000. In other words, 15,000 additional border agents by the year 2003.

We give the Customs Service flexibility to address urgent drug interdiction needs, working with the front-line employees to identify the problems and to collaborate in finding effective solutions to those urgent needs. The Coverdell approach basically declares war on our own agents and begins to try to accomplish a certain ideological agenda with respect to labor unions that we think is inappropriate and unnecessary here.

We, furthermore, provide \$10 million per year out of the general revenues to States that institute voluntary drug testing for teen drivers' license applicants or crack down on drivers who use drugs. So we have a strong provision in our approach to deal with the problem of drug testing for teen drivers.

In addition to that, we have a section on drug-free schools, but we do not add the poison-pill provision of school vouchers by the backdoor which would literally threaten to scuttle the entire tobacco legislation. All of us here know that no issue has been more contentious for a lot of different reasons. It is part of really what has divided the U.S. Senate so significantly and so unfortunately throughout the debate on education.

There are many people on our side of the aisle—I know on both sides of the aisle—who desperately want to improve the public school system and to recognize that we have some very significant problems in the public schools of this country. But increasingly, all we talk about in the Senate are either vouchers or money. We are sort of polarized. We are locked into this gridlock of discussion where one side is fighting for vouchers so 1,000 kids may get saved in the school system and the other side winds up saying, "We have to have more money," but in between all of the issues of curricula, standards, testing, finding good principals, hiring another 2 million teachers and how we are going to do that, a host of other things get lost.

What the Coverdell amendment fundamentally does is take us right back to that very narrow debate where all we are going to do in response to the laudable goal of trying to take the victim of a violent crime or of a drug-related crime and move them to another school, instead of doing that within the

public school structure, all of a sudden here is another voucher plan to provide the opportunity for that person to move to a parochial school, religious-based school or to a private school. If that were part of some comprehensive program to deal with all the schools of this country and the 90 percent of our children who are in public school, perhaps it might meet with less resistance on the floor of the Senate. But under the circumstances, it is a backdoor effort within the tobacco bill to try to do something that the Senate has already struggled with so significantly.

Moreover, we create, as does the Coverdell legislation, the same financial incentives for States from general revenues. Unlike the Coverdell amendment, we take it from the general revenues; they take it from the tobacco trust fund. And we provide an annual report card to parents and teachers listing incidents of school violence, weapon possession or drug activity, and we also encourage the implementation of certain disciplinary policies.

In addition to that, we provide \$10 million to States for parental consent drug testing of children, as does the Coverdell amendment, but we do that without coercing parents into allowing that testing by denying access to extracurricular activities, such as athletics, for those who are unwilling to subject their children to such testing. We think both from a fairness and commonsense point of view that is more in keeping with the spirit of how the relationship between parent and school ought to work.

Like the Coverdell amendment, we provide drug-free student loans. We restrict the loans for students convicted of drug possession. We restrict the loans for students convicted of drug trafficking, and just as the Coverdell legislation does, we resume loan eligibility on an expedited basis for those students who satisfactorily complete a program that includes drug testing.

Just like the Coverdell amendment, we authorize \$10 million per year in SBA demonstration grants, but unlike the Coverdell amendment, once again, we do not strip the capacity of the tobacco legislation to work. We do not take away the cessation programs or other youth activities and youth-access efforts that are contained within the tobacco legislation in an effort to restrict the access of our young people to cigarettes.

I might add this is, I think, one of the most important things to remember when we reflect on what we are trying to achieve here. I used to be a prosecutor. I was the chief prosecutor and administrative officer for one of the 10 largest district attorney's offices in the Nation. I was part of the effort in the years when we created the first drug task forces and we created the first priority prosecution efforts and major violator efforts. I have tried cases that have sent people to jail for the rest of their life. I am proud of that record.

I have fought hard in the Senate to continue that kind of, I hope, conscien-

tious antidrug effort. So I don't want to be somehow viewed as less concerned than my friend here with whom I work on the Foreign Relations Committee, on our subcommittee, on the issue of drugs.

I don't think we have a legitimate drug war in the United States. I have said that for a number of years. If you don't have adequate treatment, if you don't have adequate education, if you don't have adequate enforcement, if you don't have the capacity for swift and certain punishment, if you don't have the ability to put the people in jail who ought to be or sufficient capacity to keep the ones off the streets who ought to be kept off the streets, you are not serious. But you certainly are not serious if you don't have drug treatment on demand. Only about 26 or 30 percent of all drug addicts in the United States of America get treatment after 20 years of talking about this issue. That is not contained sufficiently in this legislation, and it ought to be.

What we have to stop doing is these scatter-shock, helter-skelter efforts that do little Band-Aids here and little Band-Aids there and somehow pretend, "Boy, have we done something to fix the drug war." We haven't. Nor is this going to do it. But, most importantly, what it is going to do is strip away the ability of the tobacco bill to do what it is intended to do, which is to get kids to stop smoking. That is the gateway drug to marijuana and ultimately to harder drugs.

If we are serious about a drug plan for America, we shouldn't be trying to augment the Coast Guard or augment the Department of Defense at the expense of the kids who are at the earliest stage of their life, who we are trying to teach and give the value system and the self-esteem and the structure with which to be able to make a decision, not to pick up a cigarette. The values that allow a kid and the strength of character that comes to a kid, that brings that child to the point of not picking up a cigarette are the same values and the same foundations that help that child decide not to do the other things that peer pressure forces them toward or that modernity in American life thrusts on them. So it doesn't make sense to strip away that capacity in this bill.

The Senator from Georgia will say, "Well, it doesn't automatically do that; all it does is authorize these numbers."

Mr. COVERDELL. Will the Senator yield?

Mr. KERRY. And that is true. I want to finish the thought and then I will be happy to yield to my friend. It is true all it does is authorize it. We all know what happens when the appropriators ultimately get those pressures put in front of them, and you have Department of Defense, Coast Guard or other kinds of antidrug efforts competing against something that we have never

done before in America, which is sufficiently empower our antismoking efforts, sufficiently try at that early entry level to keep kids from being hooked.

I respectfully suggest to my colleague, this is well intentioned, and I know he is sincere in his passion about wanting to stop drugs and is caring about this, and I agree with him completely that the efforts to date are insufficient. No question about it. But I also believe very strongly that we ought to approach this in a common-sense way.

I yield to my friend for a question without losing my right to finish my time.

Mr. COVERDELL. I advise the Senator, of course I have not seen his amendment and the vote is scheduled at 6. I would like to make a comment, and I ask unanimous consent that I be given up to 10 minutes to respond to the remarks the Senator has just characterized.

Mr. KERRY. Let me say to my friend from Georgia, if I can, I don't want to be the bogeyman with respect to his request, but the leadership has carefully scheduled this because of the expectation of Senators to be in certain places. I know the time was equally divided—

Mr. COVERDELL. Up to 10 minutes.

Mr. KERRY. Mr. President, I will happily yield to my friend in a moment. And I would agree to the unanimous consent request for 10 minutes.

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

Mr. KERRY. But will that be equally divided?

Mr. COVERDELL. I am trying to catch up with you.

Mr. KERRY. I might add, we are just trying to catch up with their side. The time was equally divided up until now. And the Senator from North Carolina and the Senator from Vermont both spoke using all of the time of that side. So we are just trying to catch up on our side.

Mr. COVERDELL. All right. I ask unanimous consent that we have 15 minutes equally divided.

Mr. KERRY. Mr. President, 15 minutes equally divided. I have no objection.

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

Mr. KERRY. So, Mr. President, the bottom line is, as I said, really whether or not we are going to try to approach this—maybe the Senator and I could agree that the goals of our amendment are indeed worthy, and he would like to wrap them into one, and we could have one vote accepting our amendment. I would like to do that. I yield the floor.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER (Mr. BROWNBACK). The Senator from Georgia.

Mr. COVERDELL. First, let me say that I appreciate that so much of the Coverdell-Craig-Abraham amendment

has been wrapped into this amendment we have just heard described. I have not had a chance to see the amendment. There are some nuances.

What the Senator from Massachusetts characterizes as vouchers and choice, I characterize as common sense to handle a child that has been the victim of a crime. And I do not agree that that should be characterized as a voucher. It does not deal with the needle exchange permanently. It only deals with a couple years. But much of the amendment is the same.

So then the core question—they both authorize funding, and, as I understand it, it is at similar levels. So the question is, what does the authorization fall against? And where are the pressures?

The Coverdell-Craig amendment authorizes against a new revenue stream which comes from an increase in the price of tobacco. The Daschle amendment—I believe it is the Daschle amendment—from the other side authorizes against the current budget or the caps, so the pressure will fall against current programming: education, VA, veterans, all of that. That is where you put the pressure. I put the pressure against the new revenue stream. And I think that is more appropriate and much more likely to happen. I do not think it is near as likely to happen under the Senator's amendment from Massachusetts as it is to happen if this tobacco settlement weaves its way through the Congress and there is a drug section in it. It is far more likely to occur than under the Senator's amendment.

I appreciate the fact that we agree on its importance, that much of what we have drafted has been embraced. But I think it is far more likely to occur in the manner in which I suggested. And I do not accept the argument that it is misplaced. Most of teenage drug abuse occurs in smoking, smoking marijuana, which is five times more dangerous than tobacco.

Mr. KERRY. Would my colleague yield for a question?

Mr. COVERDELL. Sure.

Mr. KERRY. It is an important part of the discussion. I would ask my colleague—they are both smoking. They are both smoking a grown substance, wrapped in paper, and it requires the same process. But the same ingredients of smoking are the same impact fundamentally that require counseling, education, and knowledge to build up the sort of resistance to peer pressure.

I ask my colleague, if that is the purpose of it, why would he not want an increased level of funding to guarantee that they are sort of wrapped together? Smoking marijuana and smoking cigarettes are almost one in the same. They are both a narcotic substance. They both can ultimately result in great harm to health. Therefore, you want the cessation programs, the counteradvertising, et cetera. Why would the Senator then strip that capacity away for these other objectives rather than augment those?

Mr. COVERDELL. One, as I said a moment ago, I am not very encouraged where we are because this initiative has fallen poorly against the goals of the Congress and the administration over the last 6 years.

The interdiction budget has dropped from over \$1 billion in 1991 and 1992, to under \$700 million. It got down to \$500 million in 1995. Flight hours that are protecting our citizens have dropped from 36,000 to 11,000. Ship days have dropped from 4,000 to 1,700 days.

We had one experiment recently in the Coast Guard in Puerto Rico that kept 350-plus million doses of cocaine off American streets. These are all interconnected.

The best thing we can have happen is for the child not to get ensnared into the drug war in the first place. I believe that you cannot deal with teenage addiction and separate it from the tobacco bill. I just do not think that is the right thing to do.

I think they should be embraced together. I think, given the scope, that this is the No. 1 problem. Given the scope of it, the fact that it would be authorized to consume 20 percent of these revenues, it is perfectly logical and sound. And there would be a revenue base generated to do it. I do not see the revenue base standing behind the good Senator. And I equally am admiring of the work that you have done on this issue. I have respect for it. I just do not think that amendment which has come late—very late—in response to what we have endeavored to do will achieve a new, bold initiative on antinarcotics in the United States.

I yield back whatever—I do not yield back the time; but I save it.

The PRESIDING OFFICER. The Senator from Georgia has 1 minute 40 seconds remaining.

Mr. KERRY. Mr. President, let me respond to my friend again. I do not think he absolutely answered my question. What he says is we have to have the interdiction efforts, we have to have an addition for the Coast Guard, the military because of the number of hours they are flying. I agree with that.

I think we have a very serious problem growing in this country with respect to our military because of the increased OPTOUT and OPTEMPO versus the pay we are giving them, and the opportunities for time off, and so forth. That is a huge issue, and it is growing in the country.

But the point is—and I make it again to my friend from Georgia—as a former prosecutor I can remember that there is a threshold level that you can stop drugs coming in, this sort of nuisance level. You can raise the price. You can always raise the cost of doing business.

But no one I know in the business of law enforcement, no one I know who is serious about the drug effort believes that augmenting interdiction at the expense of the demand side is going to cure the problem.

For every 300 tons of whatever that you stop, I promise you, there is an airplane that has been constructed with

phony sides to it or any number of containers on ships, or any means, that the demand will bring those products. They will even manufacture them in this country. They will find a way to get them to people.

The key issue is reducing the level of demand. And the demand for a cigarette that has tobacco in it is the same demand for the white rolled piece of paper that has marijuana in it— same act, same discipline, same entryway, entry gate to drugs. Most experts in the field of treatment and demand will tell you that that is the gateway drug.

So it seems to me illogical on its face to say we are going to strip down the efforts to get the demand side reduced so we can augment what was going to automatically be increased anyway, which will be increased demand, increased interdiction. And you get caught in this vicious cycle where all of our resources keep being allocated to an area that does not give you as much return as education and treatment. Again, the perks are pretty clear on that issue, that if fewer and fewer kids started in the first place with cigarettes, you would have less and less demand, and no pusher can increase the number of people to demand the drugs fast enough to make up for kids who say no. If those kids are strong enough and educated enough and well prepared enough to say no, that is the way we will solve the problem in this country, more than any other.

Again, the Senator from Georgia strips away a significant portion of that. He makes them competitive. It is the wrong way to come at this.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. How much time remains?

The PRESIDING OFFICER. The Senator from Georgia has 1 minute 40 seconds, and the Senator from Massachusetts controls 4 minutes 20 seconds.

Mr. COVERDELL. Mr. President, from 1980 to 1992 drug use among teenagers was reduced by two-thirds. It was reduced in great part by the massive interdiction program and much of an education program that was voluntary.

My point here is that the amendment we have offered to the tobacco bill, which shares an addiction problem with these new revenues, is a bold component for drug interdiction and drug education, the very points that the Senator from Massachusetts is making.

The proposal he puts to the table is designed very much the same way. As I said, there are nuances that are somewhat different. I think the likelihood of funding for this bold program under the Senator's amendment is far less—far less. Yes, if it all came about, it would be augmented, but there are more than sufficient revenues in the proposal we have on the floor, which is a tax bill, to fund a strong drug interdiction proposal and a strong antismoking proposal.

I yield the floor.

Mr. KERRY. Mr. President, let me say to my friend, if the funding is so jeopardized, as he suggested it is, then shame on us. Then we are not serious about the drug war. Shame on us.

Mr. COVERDELL. We aren't.

Mr. KERRY. Then shame on us. We ought to be prepared to do it. But don't do it at the expense of stopping kids from smoking.

The Senator just made my argument. The Senator from Georgia said between 1980 and 1992 we reduced drug use in America by 30 percent. Am I correct, the Senator said that?

Mr. COVERDELL. Sixty-six percent. From 1979 to 1992, it was reduced by two-thirds.

Mr. KERRY. We reduced drug use in America by two-thirds, according to the Senator from Georgia, between 1979 and 1992.

He has just made the argument for not doing what his own amendment seeks to do, because if you look at how we reduced that drug use by two-thirds between 1979 and 1992, it was because Nancy Reagan and the Reagan administration, to their credit, augmented our outreach efforts, our advertising efforts, the counteradvertising. We brought role models—sports figures and others—into the communities. We had an aggressive effort in the United States to reach into our communities and teach kids not to.

That is precisely what this tobacco legislation is seeking to do with respect to cigarettes, and there is no reason in the world that you can't dovetail all of the drug efforts into that so that smoking, drugs, all of it, are dependent on the same disciplines. They are dependent on kids being raised with enough awareness of the downside and with enough self-esteem and enough structure around them to be able to make good decisions.

What the Coverdell amendment does is reduce the capacity of kids to make those decisions. If we want to reduce drugs in America by two-thirds, we need to do what this tobacco legislation set out to do, and I believe we can do that by melding some of what the Senator from Georgia seeks to do. That is what the Democratic alternative seeks to do.

I yield back the remainder of my time.

AMENDMENT NO. 2451

Mr. MCCAIN. Mr. President, I will vote for the Craig-Coverdell amendment because I believe that we should move forward with this bill. While I agree with the thrust of the amendment, I am seriously concerned that all of the revenue to fund this effort will come from the tobacco trust fund.

If we are to have legislation that provides for settlement of State cases, funding for smoking prevention and cessation, funding for research, farmer assistance and a tax cut, we must allow for funding for the drug amendment under additional accounts including the violent crime trust fund.

Clearly, the President will not sign legislation that does not provide the

funding necessary for the basic purposes of this act. So, while I will support the drug amendment, my vote is to keep the process moving.

This is but one wicket in the legislative process and at the end of the day, if we are to have a meaningful bill, we must reconcile the various demands for trust fund revenues in a manner that will achieve the essential purposes of this bill, and which will best serve the public health and the public interest.

Mr. KERRY. Have the yeas and nays been ordered?

The PRESIDING OFFICER. They have not.

Mr. KERRY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment numbered 2451, offered by the Senator from Georgia, Mr. COVERDELL.

The yeas and nays have been ordered. 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 52, nays 46 as follows:

[Rollcall Vote No. 151 Leg.]

YEAS—52

Abraham	Frist	McConnell
Allard	Gorton	Murkowski
Ashcroft	Gramm	Nickles
Bennett	Grams	Roberts
Bond	Grassley	Roth
Brownback	Gregg	Santorum
Burns	Hagel	Sessions
Campbell	Hatch	Shelby
Coats	Helms	Smith (NH)
Cochran	Hutchinson	Smith (OR)
Collins	Hutchison	Snowe
Coverdell	Inhofe	Stevens
Craig	Kempthorne	Thomas
D'Amato	Kyl	Thompson
DeWine	Lott	Thurmond
Domenici	Lugar	Warner
Enzi	Mack	
Faircloth	McCain	

NAYS—46

Akaka	Feingold	Levin
Baucus	Feinstein	Lieberman
Biden	Ford	Mikulski
Bingaman	Glenn	Moseley-Braun
Boxer	Graham	Moynihan
Breaux	Harkin	Murray
Bryan	Hollings	Reed
Bumpers	Jeffords	Reid
Byrd	Johnson	Robb
Chafee	Kennedy	Rockefeller
Cleland	Kerrey	Sarbanes
Conrad	Kerry	Torricelli
Daschle	Kohl	Wellstone
Dodd	Landrieu	Wyden
Dorgan	Lautenberg	
Durbin	Leahy	

NOT VOTING—2

Inouye	Specter
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The amendment (No. 2451), as modified, was agreed to.

Mr. CRAIG. Mr. President, I move to reconsider the vote.

Mr. COVERDELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. We must have order in the Chamber.

AMENDMENT NO. 2634

Mr. KERRY. Mr. President, may I have the yeas and nays on the Daschle amendment? Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment. The yeas and nays have been ordered.

The clerk will call the roll.

The bill 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 45, nays 53, as follows:

[Rollcall Vote No. 152 Leg.]

YEAS—45

Akaka	Feingold	Levin
Baucus	Feinstein	Lieberman
Biden	Ford	McCain
Bingaman	Glenn	Mikulski
Boxer	Graham	Moseley-Braun
Breaux	Harkin	Moynihan
Bryan	Hollings	Murray
Bumpers	Johnson	Reed
Byrd	Kennedy	Reid
Cleland	Kerrey	Robb
Conrad	Kerry	Rockefeller
Daschle	Kohl	Sarbanes
Dodd	Landrieu	Torricelli
Dorgan	Lautenberg	Wellstone
Durbin	Leahy	Wyden

NAYS—53

Abraham	Faircloth	Mack
Allard	Frist	McConnell
Ashcroft	Gorton	Murkowski
Bennett	Gramm	Nickles
Bond	Grams	Roberts
Brownback	Grassley	Roth
Burns	Gregg	Santorum
Campbell	Hagel	Sessions
Chafee	Hatch	Shelby
Coats	Helms	Smith (NH)
Cochran	Hutchinson	Smith (OR)
Collins	Hutchison	Snowe
Coverdell	Inhofe	Stevens
Craig	Jeffords	Thomas
D'Amato	Kempthorne	Thompson
DeWine	Kyl	Thurmond
Domenici	Lott	Warner
Enzi	Lugar	

NOT VOTING—2

Inouye Specter

The amendment (No. 2634) was rejected.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, we have now dispensed with the issue of addressing the problem of drugs in America. Tomorrow, we will take up the tax cut issue. There will be an amendment on this side of the aisle and an amendment on the other side of the aisle.

It is our hope that, following that, we will be able to take up the substitute. There are, I understand, two important substitutes, one by the Senator from Utah, which he has talked about at some length, and also one by perhaps Senator GRAMM and Senator DOMENICI. There is still concern about the issue of

attorneys' fees. I would not be surprised if there was another amendment on that issue, and, of course, there is the remaining issue of the agriculture section of the bill, which could be addressed after cloture, if necessary.

Frankly, Mr. President, I don't know of any other major issues that are affecting this legislation. I hope that we can not only move forward but, at the appropriate time this week, hopefully the majority leader can propose a cloture vote so we can bring this issue to a close.

All of us are aware that we are in our third week on this legislation. All of us are aware that we have other legislation that we need to address, including very important appropriations bills.

I must say that on this day I am pleased with the progress that we have made, and I am pleased that we are going to address the issue of taxes, which is important to Members on both sides of the aisle.

So, Mr. President, I say, in the words of the late Mark Twain, the reports of the death of this legislation are premature. However, we certainly, by no means, have total confidence that we will reach a successful conclusion. But I think those of us who are supporting this legislation can be pleased at the progress we are making at this time. And it does not in any way mean that we do not have a lot of difficult hurdles to get over before we have a final vote. I yield the floor.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Let me join the Senator from Arizona in simply saying that I think this was an important step forward today in a lot of respects. Neither the Senator from Arizona nor I want to sort of overly characterize what it may mean in the total yet, but it does open up the opportunity for the Senate to now move to the two remaining, most significant issues and then lay the groundwork to have, hopefully, an order of amendments for the following ones. I think it is not insignificant, therefore.

The last week permitted us, frankly, to be able to work quietly behind the scenes to be able to arrive at some understandings about the structure of the tax component of the bill. And while there are two alternatives being offered, the fact is that for a week we have understood that embracing a component of the tax cut in this legislation was not inappropriate—in fact, might not only be a necessary ingredient of passing it but also an important reality for the amounts of money that are being raised in the revenues.

So I think we are on a track where we have the ability tomorrow to make again some significant progress. And hopefully, with the substitutes, then we will have few remaining contentious issues and, obviously, some others that we ought to be able to arrive at a reasonable understanding about.

So my hope is that those Senators who have must-do amendments will

certainly inform us of those in the course of the next day or so.

I thank my colleague for his cooperation. And I yield the floor.

MORNING BUSINESS

Mr. KERRY. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business with Senators permitted to speak for up to 10 minutes each.

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

Mr. ROBB addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ROBB. Thank you, Mr. President.

TRIBUTE TO BRIGADIER GENERAL TERRY PAUL

Mr. ROBB. Mr. President, I would like to just share with those of our colleagues who are watching the floor at this moment a ceremony that I just attended, that a number of our colleagues just attended, for the promotion of then Colonel Terry Paul to Brigadier General Terry Paul, the U.S. Marine Corps.

This is somewhat unusual, because General Paul has been serving as the Marine Corps liaison in the U.S. Senate for almost a decade. He came as a lieutenant colonel, he was promoted to the rank of full colonel, and this afternoon was promoted to the rank of brigadier general, where he will move across the Potomac to serve as the Legislative Assistant to the Commandant of the Marine Corps.

Many generals, officers of the Marine Corps, admirals of the Navy, representatives of the Department of Defense, and some of our colleagues in the House and Senate were there, to recognize an extraordinary Marine and an extraordinary patriot, someone who has worked very, very hard and very, very professionally in a job that many of us appreciate.

Mr. President, during his nearly 10-year assignment with the Marine Corps Liaison Office here in the Senate, General Terry Paul has championed a number of programs—like the M1A1 tank, the Maritime Pre-positioned Forces (MPF), the V-2 Osprey, and the Advanced Amphibious Assault Vehicle (AAAV)—that have helped sustain the Corps as the premiere expeditionary force in readiness and have helped mold the Corps for the twenty-first century.

To those of us who worked with him, General Paul has been a strong advocate for his beloved Corps.

He has poured his heart and soul into every facet of an issue, championing the best interest of the Corps and the nation, regardless of scope or monetary value.

He has also never lost sight of the individual Marine—working just as hard to secure a piece of gear that would keep a Marine dry during inclement