

And the most repugnant of the figures that they provide is that 44½ percent of the people paying this tax will earn less than \$10,000 a year. This is a tax to fall upon those who are least capable of paying.

When Ronald Reagan was President, he was known to attract to the Republican side of the equation individuals called Reagan Democrats, hard-working people who wanted to help their families, individuals who worked in trades or worked as laborers, who just worked hard. They worked and they earned less than \$30,000 a year, but they had values. They wanted to take care of their families. They wanted to be able to provide for them. And here is the question: Today is a defining moment for the Republican Party. Is the Republican Party going to say to those kinds of individuals, if you made a choice to smoke at some time in your life and now you are addicted, we are going to tax you so that it is going to be virtually impossible for you to have the kind of standard of living you previously had, and we are going to do this because you have been victimized by the tobacco companies. We are not punishing the tobacco companies. We are going to make them pass the tax on to you. We are going to make sure the statute provides a penalty that you have to be the person who pays the tax.

It is a defining moment for the Republican Party, in my view. I do not want the Republican Party to be defined as more taxes and more spending and more government and less responsibility for individuals and less freedom. It seems to me that there is the potential for us to be defined that way. We are not talking about this \$868 billion tax increase in a vacuum. We have a Republican Senate with this bill in its hands as to whether or not we are going to tax people by an additional amount, and we are talking about this in the context of a surplus.

It is stunning to me to think that instead of debating how we can return resources to the American people, we find that we are focusing on a bill on how to take another \$868 billion from the American people. And it does define the Republican Party. It defines the Republican Senate. I think this is a day which will define us very clearly.

Are we in favor, when faced with a \$39 billion surplus, of taxing people with \$868 billion more in taxes, to fall heavily on those who are least capable of paying for it, or are we in favor of saying no more new taxes; that we do not believe in a big tax-and-spend philosophy; that we are against invasive micromanaging, an intermeddling Federal involvement in everything; that we are in favor of personal freedom, personal responsibility, State and local government potentials, and we reject the idea that in the face of a \$39 billion surplus we have to go and add to the tax bill of the American people another \$868 billion over the course of this legislation.

I think we need to debate how to give people a tax break. We should not be

debating how we are going to tax people hundreds and hundreds and hundreds of billions, three-quarters of a trillion dollars more than we have already taxed them.

People talk about the addictive quality of nicotine. I think tax and spend in the Congress is more addicting than nicotine. I think the clear question the American people are going to ask this Senate, they are going to ask the Republicans in the Senate: Did you break the habit? Did you break the tax-and-spend addiction of Government? Did you come to respect people or to protect the bureaucracy? Did you come to say that we are going to let people continue to have freedom, we are going to ask them to be responsible, we are going to let them have their resources and spend their resources on their families? Or did you come to say the Government is so capable, in Washington, that it is going to sweep these resources out of the pockets of Americans?

We simply cannot have the largest proposed increase in Government since the Clinton national health care plan—17 new boards, agencies, commissions. Here are some of the things that are going to happen: Mr. President, \$350 million a year is going to be taken from these Americans, hard-working, low-income Americans—\$350 million. That averages \$7 million per State; large States, small States. It is going to be swept out of their pockets and gone for what?

Mr. President, \$350 million a year goes to foreign governments overseas so they can conduct studies on what it costs to smoke overseas. I cannot believe the Republican Party wants to be identified with that kind of expropriation. We take the money out of the pockets of Republicans and Democrats—Americans, low-income workers, and we send it overseas so they can conduct studies about smoking.

This bill contains a special provision that relates to smoking in the Native American population. If you figure reasonable rates of smoking for them, it is \$18,000 per Native American that we are going to spend in this program. It does not make sense, to be taking money from low-income Americans in order to do that.

These are just examples of the way this is a lavish bill, of spend and spend and more government and more government. It is only possible if you tax and tax \$868 billion for 178 new Federal Government powers.

It is time for Congress to do what we know to be right, what we know to be true, what we know to be noble; that is, to respect the American people, not protect the Government bureaucracy. The majority leader has called this bill too complicated and too expensive. I call upon the majority leader to lead the American people to the right conclusion by leading the Republican Senate to the right identification with the people against big government rather than with the bureaucracy and against

the people. We should pull this bill off the Senate floor. It is a massive tax-and-spend bill. Perhaps more addictive than nicotine is the urge of Government to tax and spend and regulate. It is time for us to break the habit.

I call upon our leadership to lead, to lead us to do that which is right for the American people. Mr. President, \$868 billion in new taxes are not going to help American families. They are going to distress a number of families to the extent that they lose their independence and their capacity to provide for themselves. If we end up making wards of the State and Federal Government of more low-income families in America, we will have done this Nation a massive disservice. It is time for us to set aside the smokescreen, to identify this bill as tax and spend, and for us to reject it thoroughly.

I call upon our leadership to lead us in that respect.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. AKAKA. 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.

The PRESIDING OFFICER. Under the previous order, the Senator from Hawaii is recognized to speak for up to 10 minutes.

Mr. AKAKA. Thank you, Mr. President.

(The remarks of Mr. AKAKA pertaining to the introduction of S. 2181 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. AKAKA. Mr. President, I yield back my time.

Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Mr. President, I ask unanimous consent to speak in morning business.

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

#### THE TOBACCO BILL

Mr. THOMAS. Mr. President, I am hopeful that today we will come to some conclusion and come to an end in the tobacco controversy that has gone on for a very long time now. I think there are several things which seem to have a consensus. One is that we should make effective efforts to reduce teenage smoking. After all, that was the beginning. That was the purpose. That, to me, is still the overriding objective of whatever we do in terms of tobacco.

I think there is a consensus that the tobacco companies should be held accountable for the kinds of advertising that they do, for the things they say. The FDA rules should accomplish that.

I think that most people believe we should enforce the laws against the purchase of cigarettes by teenagers.

I think there is also consensus, quite frankly, that we have talked quite long enough about this issue. It is time to come to the snubbing post, and do something about it. I hope we do.

I am discouraged, frankly, with the direction that this bill is moving. It is no longer focused on the real issues for which it came to public attention, teen smoking and public health. Instead, it has become a platform for talking about all kinds of things, such as replacing one tax with another, such as increasing programs over the next 25 years to the tune of maybe \$800 billion, programs that will almost surely become entitlements, and when this funding has run out, will have to be replaced by other funding. Those are not the reasons we began to do this.

There are things in the bill that I don't think anyone has even thought about or talked about. For example, \$1,700 per year in college tuition for tobacco farmers and their family members, including brothers and sisters and stepbrothers and stepsisters and sons in law and daughters in law. I doubt that is what we talked about. Providing \$7.5 billion to help American Indians stop smoking, or about \$18,000 per person—those are not the kind of initiatives we had in mind.

Secondly, I am opposed to the tobacco industry's marketing techniques aimed at teens, either through regulation, through law or through public opinion. That should stop. My position has been clear on these issues. But to expand the size of our federal agencies or create new ones—some reports indicate—as many as 17 new agencies will be established by this bill, is not what we had in mind, is not where we began.

Unfortunately, we find promoters of the bill accuse those who are not enthusiastic about it of being against doing something about teenage smoking. That is not true. Everyone is for curbing the use of youth smoking. Everyone wants to do that. So we ought not to be confused by such accusations. After all, one of the real philosophies and overriding efforts in this Congress ought to be to reduce the size of the Federal Government and uphold States rights. Those things are very important. Instead, this bill goes the opposite direction, creating new government boards, guaranteed annual spending increases and a wide range of State mandates—just the opposite in terms of the principals we support.

Fortunately, there will be two alternatives. We will have an opportunity to vote on substitutes if that is the choice of the leadership. One will be offered by Senator GRAMM and Senator DOMENICI. That is sort of a basic bill aimed at the purpose of controlling teenage smoking. Again, that should be our primary purpose. The second one, of course, is sponsored by Senator HATCH and Senator FEINSTEIN which goes back pretty much to the original agreement.

So I am not going to extend the tobacco debate any longer than it already has been for 3½ weeks, but I do

just simply want to say that we ought to focus on the issue for which we began. We ought to do something about teen smoking, get away from this idea of bringing in everything that we can possibly think of in terms of taxes, money, and bureaucracy. It is time to deal with the issue and move on. We have a great deal to do before this session ends. We haven't even begun to discuss the appropriations bills. We have the Armed Forces authorization bill to finish. We have sorts of other legislative matters that are just as important.

Mr. President, I simply wanted to express my view in terms of the fact that I think it is time to come to some consensus, to some conclusion, and move forward. I think this can be achieved if we would only focus on the real issue—curbing teenage smoking.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

#### INDEPENDENT COUNSEL

Mr. TORRICELLI. Mr. President, during the course of the last year as a member of the Judiciary Committee and the Governmental Affairs Committee, I have felt that part of my responsibilities are to follow the investigation of independent counsel Kenneth Starr in some particular detail.

I, like many Americans during the course of this last year, have been troubled about Mr. Starr's investigation and the sensitivity to the rights of individual Americans in any sense of balance or fairness with which he is pursuing his responsibilities. During the course of this year, I have, on six different occasions, written to Attorney General Reno, noting problems with the investigation or particular areas of concern. These have included possible conflicts of interest on the part of Mr. Starr and his deputy, Mr. Ewing, and that Mr. Starr continues to draw a salary from his law firm in excess of \$1 million—a law firm that represents important interests, including tobacco companies whose future interests may be at variance with policy positions of the Clinton administration while Mr. Starr is investigating President Clinton.

Second, Mr. Starr's association with people and organizations that appear intent on discrediting President Clinton. These, of course, would include Mr. Scaife, Mr. Starr's association with Pepperdine University, his promise of employment while being funded by an individual who is committed to the destruction of President Clinton personally and politically.

Third, the question of possible witness tampering. This, Mr. President, goes to the question of allegations of payments to David Hale by individuals associated with some of these organizations that may have undermined the credibility of testimony given in the Whitewater investigation.

All these issues for the moment aside, each individually troubling, we

are now confronted with a new and potentially more serious question, and that is the apparently purposeful releasing, or to use the vernacular, "the leaking," of the sensitive nonpublic and possible grand jury information by Mr. Starr and his associates. During this investigation, various newspapers and television accounts have repeatedly used "unnamed sources" to report information that made it appear likely, if unmistakable, that the Office of Independent Counsel was providing information to reporters that was otherwise protected as a matter of law, if not just department policy.

Now in an exhaustively detailed account, a new publication, Brill's Content, has reviewed the independent counsel investigation of the President and found clear and unmistakable evidence that Mr. Starr and his associates have purposefully leaked information about the investigation of President Clinton. If these reports are true, Mr. Starr's activities are not only a violation of the ethical standards of the legal profession, they are a direct possible violation of rule 6E of the Federal Rules of Criminal Procedure and an obvious violation of Department of Justice guidelines.

This leaking would obviously have been objectionable if undertaken by an individual U.S. attorney or another Department of Justice official. The precedence of the Department of Justice almost certainly would have led to an investigation by the Office of Professional Responsibility with sanctions or firing by the individual responsible. But undertaken by someone in the Office of Independent Counsel, it is, in my judgment, an offense of a far greater nature because the independent counsel has been given unparalleled, even unprecedented powers, to investigate the President of the United States without much of the oversight and accountability that is required of career prosecutors or others in the Justice Department itself.

It obviously poses a direct and fundamental threat to the credibility and effectiveness of the Office of Independent Counsel. Before this goes any further and the Office of Independent Counsel and the statute upon which it rests is further undermined, there is an obvious and overwhelming need for either the Federal courts, in their direct responsibility to oversee this investigation, or Attorney General Reno in her responsibility in the administration of the Department of Justice, to undertake an immediate and thorough investigation of the Office of Independent Counsel, because if these allegations that Kenneth Starr is leaking protected grand jury information are true, then the Office of Independent Counsel is spinning seriously out of control and operating outside of the law.

Mr. President, the evidence today, if not conclusive, is overwhelming. On February 6, 1998, David Kendall, the President's personal attorney, wrote a