

age. Law enforcement has legitimate concerns about the spread of this technology, and we must work to provide them the tools and expertise they need to keep up with advances in encryption technology. We cannot stop time, however. The genie is out of the bottle. As Bill Gates, the CEO of Microsoft, recently said, "Encryption technology is widely available outside the United States and inside the United States, and that's just a fact of life."

Mr. CRAIG. With the rapid expansion of the "super highway" and Internet commerce it is crucial we bring encryption legislation to the forefront. A secure, private and trusted national and global information infrastructure is essential to promote citizens' privacy and economic growth.

Mr. BURNS. As my colleagues recognize, technically advanced and unobtrusive encryption is fundamental to ensuring the kind of privacy Americans will need and desire in the years to come. Congress must choose a future where individuals and companies will have the tools they need to protect their privacy, not a future where people fear the use electronic commerce because they have no security.

I commend the Majority Leader, Senators ASHCROFT, LEAHY, CRAIG, WYDEN, and MURRAY for their vision and bipartisan leadership on this issue. I hope that Congress will be able to move forward with real encryption reform legislation that protects the privacy and security of Americans in the Information Age, before it is too late.

Mr. LOTT. I think it is worth repeating to my colleagues that the Administration's approach to encryption makes no sense. It is not good policy. Continuing to restrict the foreign sale of American encryption technology that is already available abroad, or will soon be available, is anti-business, anti-consumer, anti-jobs, and anti-innovation.

The time for a change in America's export regime is long overdue. Unfortunately, the Administration continues to support its outmoded and competition-adverse encryption control policy. That is why this Congress needs to find a legislative solution to this issue.

If America's export controls are not relaxed now, then Congress places in peril our entire technology industry. Not just those companies that create and market encryption products and services, but virtually every company involved in the development and sale of computer hardware and software. Congress cannot and will not put America's entire technological base at risk for an ineffective and outmoded export policy on encryption.

HEROISM OF RONALD WATERS

Mr. THURMOND. Mr. President, I rise today to pay tribute to a man who nearly lost his life in the pursuit of Justice, Mr. Ronald Waters, of Columbia, South Carolina.

Waters was driving along Interstate 95 in North Carolina around noon on September 23, 1997 when he noticed a

North Carolina Highway Patrol car on the side of the road and a Cumberland County Sheriff's car in the median. Upon approaching the scene, he observed one of the officers laying face down next to his patrol car. He then noticed two unidentified men moving between the patrol car and a green Toyota, also parked on the side of the road. Waters called 911 emergency on his cellular phone and informed the operator of the situation. He then pulled off the road to investigate, and upon getting out of his car he heard several gun shots.

The two unidentified men then drove off in the Toyota and Waters followed the suspects, all the while relaying their position to the 911 dispatcher. The two men then exited the interstate and traveled down a dirt road. Waters, out of concern for the victim's families, pulled to the side and waited for their return.

About five minutes later the Toyota returned and Waters drove in the opposite direction, hoping the suspects would assume he was just another motorist. Once they were out of sight he moved towards the entrance ramp of the interstate, mistakenly under the impression that the two men were in front of him. Not seeing them on the ramp, Waters looked in his mirror and noticed that they were parked on the overpass behind him. Waters then pulled off the ramp and stopped, once again informing the dispatcher of their location.

About that time the Toyota began closing in on him at a high rate of speed. As Waters pulled out the two men began to fire at him with an AK-47 assault rifle. The suspects fired several rounds which struck a critical portion of his vehicle, leaving it disabled. Now stranded on the side of the road, Waters watched as the two men pulled up along side him. Then one of the men pointed the assault rifle directly at Waters and pulled the trigger. Waters felt at this point that he would never see his wife or infant son again, but for some unexplained reason, the rifle jammed and would not fire. The two men then sped off, only to be arrested by officers shortly thereafter, due in large part to the constant contact Waters had with the dispatcher in relaying their position to the authorities.

Unfortunately, the two police officers who were shot in this incident, Highway Patrol Trooper Ed Lowry and Cumberland County Sheriff's Deputy David Hathcock, were both killed as a result of gun shot wounds inflicted by the two suspects. While it may not serve to make this tragic loss of life any easier for the victim's families, it certainly goes to show that crime does not pay, and those who commit these atrocities will be apprehended.

This display of courage by Waters exemplifies the characteristics of true heroism, and serves to reassure the many law abiding citizens that good really does triumph over evil. So often acts of selflessness such as this go unnoticed simply because the danger

faced is of a lesser degree, but Ronald Waters is one of many who have risked their lives for what they know to be right.

I am pleased to stand before you today, Mr. President, to relay this story of courage and valor personified to its greatest degree. I join the State of South Carolina in honoring Ronald Waters for his adamant service and devotion to Justice, and I thank you for allowing me the time to speak.

Mr. President, I yield the floor.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

ORDER OF PROCEDURE

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Senate stand in recess, subject to the call of the Chair, following 10 minutes of debate of Senator WYDEN.

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

Mr. WYDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. WYDEN. Thank you, Mr. President.

Mr. President, I believe it is very clear that the tobacco industry and their allies will pull out all of the stops to kill legislation that protects our children. It is very clear how the tobacco industry hopes to bring about this legislation's demise. The tobacco lobbyists want to produce a death by distraction. It is very easy to see why the tobacco lobbyists are pursuing this strategy. They cannot derail our cause of protecting children from starting to smoke on the merits. The case for passing legislation to protect our kids is too powerful. It is too strong. It is too moral.

So the tobacco lobby hopes to throw everything but the proverbial kitchen sink into this debate, hope that it doesn't stink the place up too much, and then hope that the American people lose sight of what this is really all about. But the fact is that the American people get it. They know that this is about protecting children. They are not going to fall for this strategy of trying to produce enough distraction that somehow the Senate will have to move on to other issues or somehow some other question will have to be addressed on this floor. I believe that allowing this bill to die by all of these distractions would be one of the most shocking abdications of our public responsibilities that has been seen in years.

If this body stays focused on the goal of protecting children, works through the relevant amendments, and passes this important legislation, this Congress would have a lasting legacy of accomplishment in the cause of keeping our children healthy in the 21st century.

There are a variety of legitimate issues that have come up in this debate. The question of education policy,

of income taxes, a whole host of questions.

I happen to agree with a number of our colleagues on the other side who want to make it tough, for example, to raise taxes. I am one of the Democrats who voted to do that. But this is not the proper bill on which to have a debate about tax policy. This is not the proper vehicle to have a comprehensive discussion about tax reform. This is about tobacco.

I see our friend and colleague, Senator FORD. He and I serve on the Commerce Committee. We produced a bill that came out of committee by 19 to 1 because we stayed focused on the relevant issues. We didn't always agree.

I have enormous respect for Senator FORD. He has done yeoman's work on the question of making sure our farmers get a fair shake. He knows I feel strongly on key issues: for example, making sure that these tobacco companies don't pay for a settlement in this country by targeting youngsters around the globe. But together, and with our colleague, Senator HOLLINGS of South Carolina, we produced what we think is a fair package. There can be further discussion of those issues. But we stayed focused on the question of tobacco. We didn't raise a whole host of other issues that are important to both of us. We stayed focused on the cause of trying to protect children, recognizing that we would have further discussion of that subject here on the floor. But we stayed focused on the topic at hand.

The fight to stop the cigarette industry from marketing to children did not begin this year. But this is the year we have an opportunity to make real progress. I was a Member of the other body and participated in the hearings held by then-Chairman HENRY WAXMAN. The tobacco executives told me under oath that nicotine isn't addictive. The American people didn't believe them. The Surgeon General of the last 20 years didn't believe them. As a result of that hearing, and the documents that have come out over these many years, we have been in a position to make great progress—progress, for example, that lead to that 19-to-1 vote in the Senate Commerce Committee.

So this debate is the culmination of years of work by those who have been trying to promote the cause of better health for the children in our Nation. We are trying to do it in a way that is going to help kids around the world be healthier. For the first time, we are going to say that you have to protect kids in Oregon and in Texas, and across this country. But we are going to get the Government out of the business of trying to help these tobacco companies sell cigarettes overseas to hook kids in Bangkok and Bangladesh.

That is important. But we are up against tremendous lobbying. The tobacco companies have spent millions. Maybe what we need is a "Million Child March" on Washington, DC, with families, with health professionals, to

show that we are not going to be derailed by these lobbyists. These lobbyists are not going to be allowed to derail the cause of public health in this body. We are going to come back again and again and again in the days ahead.

So this issue is focused on what really counts; that is, protecting children. There is not going to be a death by distraction. There is not going to be a precipitous and unfortunate demise for this bill by virtue of so many other issues coming up and being debated on this floor. We are going to stay focused.

Mr. President, I know of the good work that you have done on this issue. We have fought together on a bipartisan basis to try to protect children in our State. I am looking forward to seeing the kind of spirit that you and I have brought to this issue come to this body as a whole to make sure that we stay focused on the issue of protecting children.

I yield my time, Mr. President.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess, subject to the call of the Chair.

Thereupon, the Senate, at 10:39 a.m., recessed, subject to the call of the Chair.

Whereupon, at 12:30 p.m., the Senate reassembled when called to order by the Presiding Officer (Mr. BURNS).

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

NATIONAL TOBACCO POLICY AND YOUTH SMOKING REDUCTION ACT

Mr. GREGG. Mr. President, I ask unanimous consent that the Senate now resume consideration of the tobacco legislation, S. 1415, for debate only until the hour of 2 p.m. today.

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

The clerk will report.

The bill 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.

Ford amendment No. 2707 (to amendment No. 2437), to provide assistance for eligible producers experiencing losses of farm income during the 1997 through 2004 crop years.

Mr. GREGG. I make a point of order that a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KERRY. 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. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

AMENDMENT NO. 2707, AS MODIFIED

Mr. FORD. Mr. President, I send a modification of my amendment that is pending at the desk. The only thing I am doing is changing a section of reference.

The PRESIDING OFFICER. The amendment is so modified.

The amendment (No. 2707), as modified, is as follows:

At the end of the amendment, insert the following:

SEC. . INAPPLICABILITY OF TITLE XV.

The provisions of title XV shall have no force and effect.

SEC. . ASSISTANCE FOR PRODUCERS EXPERIENCING LOSSES OF FARM INCOME.

(a) IN GENERAL.—Notwithstanding any other provision of this Act, from amounts made available under section 1012(3)(A), the Secretary shall use up to \$250,000,000 for each of fiscal years 1999 through 2004 to establish a program to indemnify eligible producers that have experienced, or are experiencing, catastrophic losses in farm income during any of the 1997 through 2004 crop years, as determined by the Secretary.

(b) GROSS INCOME AND PAYMENT LIMITATIONS.—In carrying out this section, the Secretary shall, to the maximum extent practicable, use gross income and payment limitations established for the Disaster Reserve Assistance Program under section 813 of the Agricultural Act of 1970 (7 U.S.C. 1427a).

(c) EFFECT ON OTHER PAYMENTS.—The amount available in section 1012(3)(A) for tobacco community economic development grants under section 1023 shall be reduced by any amount appropriated under this section. None of the payments made under this section shall limit or alter in any manner the payments authorized under section 1021 of this Act.

Mr. FORD. I thank the Chair.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KERRY. Mr. President, let me speak for a moment to the question of where we appear to be, although no final decision I know has been made by leaders.

But it is clear that at some point today, if events flow the way they have been discussed, the majority of the members of the Republican Party are going to try to kill this bill. And they are going to try to kill this bill either through a cloture motion—depending on what decision is made as to when that vote might be able to take place—