

Experts agree that the ruling, which overturned a judgement termed by the AMA as a "milestone," has important national implications. This jury award was just the second jury award against a tobacco company in all of our history in this country.

Now, you can go back to the 1960s, when I became a young lawyer in Pittsburgh, PA. The first antitobacco cigarette cancer case in the history of the world was brought to the Federal district court by none other than Jimmy McArdle, one of the greatest plaintiffs' attorneys who ever lived, the lead partner in the law firm McArdle, Harrington, Feeney, and McLaughlin.

That was a big battle. This case was publicized all over the country. It was the first loss of literally hundreds of cases.

The ruling in the Florida case was just the second awarded against tobacco companies, and its reversal once again demonstrates how hard it is to successfully sue the tobacco industry.

This ruling affirms the vitality of the common law doctrine of assumption of risk which bars recovery if the plaintiff knew the risk of his action. Because of the assumption of risk doctrine, the tobacco companies win almost all their cases.

A national settlement bill, such as Hatch-Feinstein, would assure an orderly and rational payout of funds by earmarking annual payments. It would avoid the so-called "race to the courthouse" that has so many of us concerned.

These two Washington Post articles point out the need for a "global" approach in the words of the Attorneys General.

I would happily yield the remainder of my time to my friend from California.

Mrs. FEINSTEIN. I thank the chairman. And I thank him very much for all his work in this area.

I think, just to summarize—and I recognize there is a lot of territorial imperative resounding around this issue. And I hope that can be put into perspective and that we can look to find something around which we can rally.

True, this is a compromise proposal. I hope it will not be dismissed out of hand. It has a liability cap, yes. It has strong look-back provisions. It provides \$428 billion over 25 years. It does divide the money 50-50 to federal and state. The money that goes to the State can be used for 14 specific programs. The money that goes to the federal fund is used for tobacco-related research and public health programs. It does have the FDA provisions. It does have strong advertising provisions.

Now, as I have talked to people, there is a kind of purist attitude that "Unless a bill is this or that, I won't vote for it." Well, there are a lot of strong feelings on behalf of all of us. I could say—and it is true—my calls on tobacco reform have run dominantly in the negative, those people opposed to

reform. And yet I think there isn't a Member in this body who does not understand that tobacco reform is something that is important, just forged from one statistic—and that is 3,000 young people a day beginning to smoke, and 1,000 of them dying from tobacco-related illnesses.

We know we have to do something. We do know when you raise the price, teenagers stop or are deterred from buying. If you combine that with a strong no-advertising provision and a strong look-back provision to keep the companies honest, I think you have a bill that is about as good as one can get.

So I'm very pleased and proud to join with the chairman of the Judiciary Committee, once again, to offer to work with whomever in this body so that we might be able to introduce a bill that will be looked upon with favor by a majority.

I thank Chairman HATCH and I yield the floor.

Mr. HATCH. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call.

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

The PRESIDING OFFICER (Mr. FAIRCLOTH). Without objection, it is so ordered.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1999

The PRESIDING OFFICER. The order of June 18, 1998, in regard to H.R. 4060 has been executed.

The bill is passed, and the conferees have been appointed.

(Pursuant to the order of June 18, 1998, the Senate passed H.R. 4060, making appropriations for energy and water development for the fiscal year ending September 30, 1999, after striking all after the enacting clause and inserting in lieu thereof the text of S. 2138, Senate companion measure, as passed by the Senate. Also, pursuant to the order of June 18, 1998, Senate insisted on its amendment, requested a conference with the House thereon, and the following conferees were appointed on the part of the Senate: Senators DOMENICI, COCHRAN, GORTON, MCCONNELL, BENNETT, BURNS, CRAIG, STEVENS, REID, BYRD, HOLLINGS, MURRAY, KOHL, DORGAN, and INOUE. The passage of S. 2138 was vitiated and the measure was indefinitely postponed.)

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

NATIONAL DEFENSE AUTHORIZATION ACT OF 1999

The Senate continued with the consideration of the bill.

Mr. BURNS. Mr. President, parliamentary inquiry: What business are we in?

The PRESIDING OFFICER. The Senate is on division I of amendment No. 2137.

Mr. BURNS. Mr. President, I ask unanimous consent that be laid aside.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. Reserving the right to object, I ask the Senator to withhold that, if he would, for another few minutes, to see if we can work out a unanimous-consent agreement, pursuant to which he would be able to proceed. Otherwise, I think we would have to object on this side, and perhaps on your side, without that unanimous-consent agreement. We are trying, however, very hard to work out a unanimous-consent agreement to permit the Senator to proceed.

So I ask the Senator to withhold just for a few more minutes to see if we can do that. In the absence of that, I would have to object.

Mr. BURNS. I appreciate the suggestion of the manager of the bill. I will do that.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAUCUS. 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. BAUCUS. Mr. President, I ask consent to speak as in morning business.

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

PARTISAN FIGHTING OVER FOREIGN RELATIONS POLICY

Mr. BAUCUS. Mr. President, we are here to debate one of the most significant components of our foreign relations policy, and that is the Department of Defense authorization bill.

There is often a great temptation to exploit foreign policy debates for partisan political purposes. We all are tempted. But I believe that when we do—that is, on a foreign policy debate—it is a mistake. Such partisan fighting over critical issues of worldwide importance is both dangerous and counterproductive, and that is why I see engaging in congressional debates over China policy at this time, particularly amendments which are perceived as mischievous, is not a good idea. Although China does not manage its affairs as we would like, it makes little sense to base our relationship entirely on that concern. We should base our relationship, rather, with China on a clear view of United States interests, a

foundation of basic American values, and appropriate methods that will secure those interests and advance those values.

China is the fastest growing country in the world. It is the world's most populous country.

It has the largest army in the world, is a nuclear power. China is a force to be reckoned with. And of all the areas our foreign policy must address—peace and security in Asia, prosperity and open trade, environmental protection, the prevention of climate change, and human rights—we will achieve our goals more easily through a cooperative relationship with China than with a destructive one of confrontation, one that seeks common ground and addresses differences frankly rather than through a policy limited to sanctions and confrontations. That is an approach that has succeeded with China over the past 25 years.

China is a large country. The most progressive regions of the country are those engaged in trade with the West. That is no accident. Our presence in China has an enormously positive influence—one that would be lost if we cut off trade or cut off discussions with China.

This relationship with China has grown out of the foresight and the cooperative efforts of those who have gone before us.

Our modern relationship with China began over 25 years ago with a visit to China by President Nixon. President Nixon anticipated the difficult nature of this relationship. But he also recognized the importance of establishing a sound working relationship with the most populous nation in the world.

As Envoy to China, former President Bush continued the efforts to open China to the rest of the world. His work set the stage for the U.S.-China relationship we have today. Perfect, it is not. But it is a relationship, and it can be improved. And it calls to mind other relationships which we have encouraged over the years.

Fifty years ago, we had no relationship with Japan. Since then we forged an enduring alliance with that important nation. It is the work of statesmen like Douglas MacArthur and Yoshida Shigeru after the end of World War II; Dwight Eisenhower and Kishi Nobusuke, who steered the U.S.-Japan Security Treaty through the Senate and Diet in 1960; and Montana's own Mike Mansfield, who served for years as our Ambassador to Japan.

This relationship was not—and is not—a partisan issue. Its champions came from the Democratic Party and the Republican Party. And we have all benefited from their hard work.

This relationship has weathered great adversity in the last half century—the Chinese Revolution, the Korean war, Vietnam, and 40 years of the cold war. Through it all, this relationship has helped many of the nations in the Pacific give their people better lives.

It is important to remember that we spent years engaged in a standoff with the former Soviet Union. But by engaging that nation, we witnessed the end of the cold war, the end of the conflict and the birth of a new relationship with Russia. It took hard work and cooperation to make this new Russia a reality. The same is true in our dealings with China.

A policy of engagement—tough, frank, hard-nosed engagement—is correct, not because it is in the interest of China, but because it is in the interest of America.

There are still great strides to be made with China, particularly on human rights. It is a mistake to focus only on our differences and to ostracize China.

We must ask ourselves whether we should seek to reform China by continuing engagement in a positive manner, or, instead whether we should seek to force the Chinese to change course by isolation.

I think we ought to pursue the first choice—engagement.

Mr. President, some have suggested that we are appeasing, even coddling, China, that we are ignoring their human rights abuses and other egregious acts, that somehow they are being given undue special treatment. I disagree.

Obviously, there are problems with the way China cracks down on political dissent and treats its dissidents. However, I think the insinuation that there is double standard for China is not correct.

We must continue to speak up when China acts contrary to international norms. Simply put, we cannot and should not look the other way when China disregards its commitments.

However, we cannot have much say in these matters if we do not talk—if we do not engage in constructive dialogue. After all, China's most repressive periods have occurred when China was isolated from the rest of the world.

During the debate on this bill, as we consider amendments we should ask ourselves one question.

Does the amendment strengthen America's hand, and improve our relationship, or will it make things worse?

If the latter, I would urge my colleagues to vote it down.

Let me apply this question to the pending, divided, amendment.

The distinguished Senator from Arkansas has proposed a series of amendments to the DOD authorization bill which aim to change China's behavior through a series of minor but bothersome sanctions.

I deeply appreciate the Senator's reservations with some of China's policies. We all have reservations with some of China's policies. But, I believe this amendment goes about changing them in the wrong fashion.

Surely every member of Congress would take issue with forced abortions—I would; we all would—religious persecution the same, and the impris-

onment of individuals for the expression of political beliefs. That is clear.

Americans hold as their most cherished freedoms the right to worship as they please and speak their minds. It is a measure of the country's greatness that we are allowed to speak freely.

We expect this freedom on this Senate floor and indeed we have it. We expect it in our homes and throughout our workplaces.

It is therefore natural that we extend these freedoms to peoples in other lands. We object strongly when those rights are denied. Clearly, there are other issues concerning China that Americans can disagree with.

Despite significant progress, today's China is still too repressive and too restrictive. Those who would speak out against the government still risk imprisonment, house arrest and the denial of political rights. I wish to change that. We all wish to change that, and change that eventually with the right policies we will.

We must hold China accountable to the human rights agreements it has signed, most notably the universal Declaration of Human Rights.

But alienating China will not convince China. Ostracizing China will not endear it to the practices we would most like to see implemented.

We can continue to facilitate China's transformation through engagement and dialogue or we can give in to the isolationist sentiments that these amendments represent.

As we near the President's departure for China tomorrow, I urge the Senate to express its support for continued engagement of the Chinese Government.

No doubt about it, the President has much to discuss when he gets to Beijing. But it is both important and appropriate that the discussions occur. They must occur. Frank discussions of necessary improvements in China should be forthcoming.

The success of the trip will be enhanced with the endorsement of this body.

Mr. President, today's debate illustrates an even more important point—the need for a bipartisan approach to foreign policy. It has been said that politics ends at the water's edge. When it comes to foreign policy there are no Democrats, there are no Republicans, there are only Americans.

In this world today, there are many serious, global issues: India and Pakistan exploding nuclear bombs, the expansion of NATO, the collapse of the Asian economy. To the maximum extent possible, we must work together to address these issues. But often, partisan actions hinder progress on important issues of national importance.

One such instance is the conflict over funding for the International Monetary Fund.

The attempt to link family planning policy and international financial assistance is an effort to conduct a debate for the benefit of a domestic constituency. If a debate on the IMF is in

order, then we should debate the IMF on its merits. But to stall the passage of this important legislation may weaken the hand of the U.S. Government and it may allow real problems to get worse. This is a situation where cooperation is critical.

Last week, I invited my colleagues to join me in an effort to establish a more cooperative, bipartisan approach to our foreign policy matters.

I, along with Senator HAGEL of Nebraska, am working to focus more energy seeking constructive solutions to American foreign policy problems. We intend to work together, to help reduce the rancor that partisan bickering tends to produce.

Just as engagement is the proper way of working with China, so too must we engage each other in order to better articulate Americans' interests and needs aboard.

We are many voices. We represent many ideas. Making progress requires constructive dialogue by all parties, and I encourage my colleagues engage in that discussion.

One final note, Mr. President. When President Clinton travels—when any American President travels overseas—he is the President of the United States of America. He is not a Republican President. He is not a Democratic President. He is the American President. When he travels, we in the U.S. Senate and the House of Representatives must give him our full cooperation. There are other times when he returns when we can debate what our foreign policy should be. But when it comes to foreign policy, we Americans will do much better, our stature in the world will be much higher, if we work out these differences among ourselves so that in the end we truly have a bipartisan foreign policy, a foreign policy that the Congress and the President have worked out together so that we stand taller and get more done than we otherwise might.

There is plenty of room here in domestic politics for partisanship. There is more than enough here for partisanship in domestic politics. I deplore most of it, even in domestic policy, but when it comes to foreign policy, we must stand together.

I urge Senators who have amendments to think twice before offering them, and perhaps bring up that issue when the President returns from his trip to China, because then the country is much better off.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative 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. Without objection, it is so ordered.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1999

The Senate continued with the consideration of the bill.

Mr. LOTT. Mr. President, I understand that Senator HUTCHINSON is now in a position to have the pending China human rights issue withdrawn.

However, before the Senator is recognized, let me put the Senate on notice as to where the bill is going, hopefully, for the next few days, which will take some cooperation, but I believe we are going to get it. I certainly hope so.

Following the withdrawal of the China issue and a statement by Senator HUTCHINSON—and I believe he is on the floor and ready to proceed—the Senate will resume consideration of the DOD authorization until approximately 5 p.m. At that time, the Senate will turn to the Coverdell A+ conference report for approximately 2 hours of debate tonight. The Senate will resume the conference report consideration on Wednesday at 9:30 and, therefore, the vote on final passage will occur around 11:30 on Wednesday on the Coverdell A+ education bill.

The Senate will then resume the DOD authorization bill. It is the hope of both leaders that the bill can move forward and be concluded by the close of business on Wednesday. I realize that is a big order, but we are calling on our leadership.

Mr. LEVIN. Wednesday of this week?

Mr. LOTT. Wednesday of this week, or Thursday at the latest, because we do have a lot of other work to do.

I realize there are some, I don't know, 150 amendments pending. Who are we kidding? That is not only not serious, that is totally laughable. This is the Department of Defense authorization bill which we need to do for our country. This is a bill that the Armed Services Committee has already done the bulk of the work on. While I realize there are a lot of policy issues, a lot of amendments that Senators would like to offer, I hope they will cooperate and we can get this bill completed in a reasonable period of time. This is the fifth day that we have been on the DOD authorization bill. Tomorrow will be the sixth day. So we need to get it concluded. I do now put the Senate on notice that I intend to call up H.R. 2358, relative to the China human rights issue, sometime after July 6, 1998. I will notify all Members when the date has been finalized so all Members will have time to prepare for it. This is an important issue for our country. Senators on the Democratic side have said we should not debate this while the President is going to China. I think, as a matter of fact, that the reverse is the case—that we should make our point, express the Senate's concern on these very important issues before the President goes, but not necessarily while he is there. It is an issue that we need to address further, and we are going to do that sometime after July 6.

Mr. President, I ask unanimous consent that, following a brief statement by Senator HUTCHINSON, the motion to recommit be automatically withdrawn.

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

The Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, I thank the majority leader for the opportunity to work with him on this issue. I believe the China amendments I have offered have great value. The debate has been healthy, and the debate has been necessary. I, frankly, am willing to stand here and talk about human rights in China in general this week and next week, or as long as it takes. My great objective is to see these provisions become the public policy of this land.

In my opinion, the opponents of these amendments do not have a substantive leg to stand on. The only reason they have brought up to oppose these amendments involves the timing of the offering of these amendments. I remind my colleagues, once again, that I offered these and filed these amendments over a month ago. They have sought to obfuscate the issues, obscure the motivations, and place obstacles in the path of clean and substantive votes. The hollowness of the administration's policy is evident in their unwillingness to embrace these very modest human rights amendments.

Mr. President, if I might say again, the hollowness of the administration's China policy is evident in their unwillingness to embrace even those modest human rights amendments, and the length to which they have gone to block them from a vote on their merits, I think, speaks to the weakness of the policy. The policy has failed. The lack of outrage by this administration over the news today that China denied visa approval for Radio Free Asia reporters, I think, gives powerful testimony to the kind of acquiescence and concessionary spirit that characterizes this administration's policies. It is all too typical.

These issues will not go away, I assure you. Slave labor conditions, forced abortions, forced sterilizations, religious persecution, and proliferation of weapons of mass destruction are real issues. They are not fiction or partisan weapons; they are not used for some kind of political brownie points or "got-you" points. These are real issues that need to be debated, and we need to change our foreign policy in relation to these abuses that are ongoing in China.

If history teaches us anything, history teaches us that appeasement never works. The fact that this administration has refused even to offer the annual resolution at the U.N. convention in Geneva on human rights, I think, is indicative that even the smallest stands for human rights have gone by the wayside. I think it was Edmund Burke who said, "All that is necessary for evil to triumph is for good men to do nothing."

What the Senate has done today on China policy is nothing. The fact that these bills passed overwhelmingly in the House of Representatives, the fact that this body voted not to table them by 80-plus votes, indicates there is strength in their appeal. I want to express my appreciation to the majority