

The hearing will take place on July 28, 1998 at 9:30 p.m. in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to receive testimony on the March 31, 1998, Government Accounting Office report on the Forest Service: Review of the Alaska Region's Operating Costs.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. For further information, please call Amie Brown or Mark Rey at (202) 224-6170.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, July 8, 1998, at 9:30 am on High Definition Television (HDTV).

The PRESIDING OFFICER. Without objection, it is ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, July 8, 1998, at 2:00 pm on S. 2105—Government Paperwork Elimination Act.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Senate Committee on Indian Affairs be authorized to meet during the session of the Senate on Wednesday, July 8, 1998 at 9:30 a.m. to conduct a hearing on S. 1419, Miccosukee Land, S. 391, Cheyenne River Sioux Compensation, S. 1905, Mississippi Sioux Judgment Funds and H.R. 700, Agua Caliente. The hearing will be held in room 485 of the Russell Senate Office Building.

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

COMMITTEE ON THE JUDICIARY

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Committee on The Judiciary be authorized to meet during the session of the Senate on Wednesday, July 8, 1998 at 9:00 a.m. in room 226 of the Senate Dirksen Office Building to hold a hearing on S.J. Res. 40, Joint Resolution Proposing an amendment to the Constitution of the United States authorizing Congress to prohibit the physical desecration of the flag of the United States.

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

COMMITTEE ON THE JUDICIARY

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Committee on The Judiciary be authorized to meet during the session of the Senate on Wednesday, July 8, 1998 at 1:00 p.m.

in Room 226 of the Senate Dirksen Office Building to hold a hearing on S. 1529, The Hate Crimes Prevention Act of 1998.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, July 8, 1998 at 10:00 a.m. to hold a closed hearing on Intelligence Matters and at 2:30 p.m. to hold an open confirmation hearing on the nomination of L. Britt Snider to be Inspector General of CIA.

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

SUBCOMMITTEE ON INTERNATIONAL ECONOMIC POLICY, EXPORT, AND TRADE PROMOTION

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Subcommittee on International Economic Policy, Export and Trade Promotion be authorized to meet during the session of the Senate on Wednesday, July 8, 1998 at 10:00 am to hold a hearing.

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

SUBCOMMITTEE ON INTERNATIONAL SECURITY, PROLIFERATION, AND FEDERAL SERVICES

Mr. JEFFORDS. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Subcommittee on International Security, Proliferation, and Federal Services to meet on Wednesday, July 8, 1998 at 2:00 p.m. for a hearing on The Adequacy of Commerce Department Satellite Export Controls.

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

ADDITIONAL STATEMENTS

TOBACCO SETTLEMENT LEGISLATION

• Mr. ABRAHAM. Mr. President, I rise today to comment on Senate action last month on S. 1415, the comprehensive tobacco settlement legislation, and to explain the votes I cast on various amendments, motions to invoke cloture, and other procedural matters relating to this legislation.

At the outset, I would like to thank the floor manager of the legislation, Senator MCCAIN, for his absolutely outstanding work on the tobacco settlement legislation. As Chairman of the Senate Commerce Committee, the distinguished Senator from Arizona took on the difficult task of bringing our Committee together to report out comprehensive tobacco settlement legislation.

Mr. President, I believe that passing a tobacco bill would be good, but only if it is the right bill. In my judgment, if we are to pass such a bill, it should follow a number of important principles. First, it should increase funding for research on tobacco-related illnesses. Second, it should provide funds

for smoking cessation programs, anti-tobacco education programs, and counter-advertising. Third, it should include programs to combat drug abuse among our kids, a crisis that demands just as much attention as youth smoking. Fourth, it should not place unfair burdens on our small businesses. And finally, it should accomplish these goals without imposing a huge net tax increase on the American people.

Last summer, the tobacco industry started this process when it entered into a settlement with the Attorneys General of several States, a settlement which required congressional action. I voted to report out this legislation from the Commerce Committee, with the hope that it could be modified in ways to achieve the above-stated goals through more amendments to the legislation, through consideration in the House, and through an eventual conference. While many improvements were added to the legislation—such as the addition of the Coverdell-Craig-Abraham “Drug Free Neighborhoods Act” and the Gramm amendment to reduce the marriage penalty tax—more were clearly needed to achieve the goals set forth above.

My vote for cloture was designed to move the process ahead in the hope that we could pass a bill and that it would meet the standards set forth above. It did not signal my intent to vote for final passage of any legislation that remained following the amendment process. Had cloture succeeded, it was my intention to work with others in offering amendments to modify the bill to achieve my aforesaid goals.

Following the failure to invoke cloture, it became clear that we were not going to be able to move the bill forward in the way I would have liked. In light of this, and my belief as a member of the Budget Committee that we should keep the budget balanced, I voted with Senator STEVENS on his budget point of order. Senator STEVENS raised a point of order that the tobacco legislation was inconsistent with the budget agreement reached last year between the Congress and the President. I voted against the motion to waive that point of order, which sent the legislation back to the Commerce Committee where, perhaps, we can devise a more acceptable bill.

Mr. President, let me just comment briefly on some of the major amendments that were voted on during the course of the floor consideration of this bill.

I joined Senators CRAIG and COVERDELL in offering the “Drug Free Neighborhoods Act” as an amendment to the tobacco legislation. We are falling very far behind in the war on drugs, and teenage drug use has particularly become much worse in recent years. In the last six years, for instance, the percentage of high school seniors admitting that they had used an illicit drug has risen by more than half. Sadly, nearly 20 percent of our eighth graders

use illegal drugs. This amendment provided needed resources for drug interdiction and deterrence and particularly addressed the alarming trends in drug use among teenagers. As we address the harmful health consequences of tobacco, we need to also remember that drug use among teenagers is worsening and is even more unhealthy, dangerous, and unacceptable.

I voted for Senator GRAMM's amendment to reduce the size of the net tax increase proposed in the bill by reducing the marriage penalty tax for working families earning less than \$30,000. Under the bill as reported out of Committee, the burden of the price or tax increase from 65 cents to \$1.10 per pack of cigarettes would have fallen disproportionately on working class Americans. I believed that we ought to give some of this revenue back in the form of relief from the unfair marriage penalty tax, which requires married people to pay higher taxes than they would if they were single.

On the Reed amendment, which would have denied the advertising deduction for any business found in violation of FDA tobacco advertising regulations, I opposed this amendment and felt that the legislation had begun to stray further away from the core goals that should concern the Congress. Under that amendment, which was narrowly adopted, if the FDA finds that one advertisement of a tobacco product failed to comply with marketing and advertising rules issued by the FDA nearly two years ago and still under litigation, the offending company would lose the entire business expense deduction for all of its advertising in that year. The Congress should not be giving the FDA or any other regulatory agency such expansive and punitive authority. The possibility of such a penalty could chill advertising and deter legitimate, protected speech. In my view, this raises serious constitutional concerns and liberty interests that should at the minimum be seriously considered in the appropriate committees. This is unsound public policy, unsound tax policy, and an unwise expansion of federal regulatory authority. It also sets poor precedent and raises constitutional concerns. No matter what we think of the uses of advertising, the Constitution protects the right of free speech.

I supported Senator GREGG's amendment to eliminate the liability caps that had been included in the manager's amendment. I had concerns about our taking action to limit the liability of the tobacco industry without enacting other legal reforms that are desperately needed by so many industries. I found it highly incongruous that we would not extend the same liability protections to industries that produce life-saving products as we do for the tobacco industry.

For example, I would have liked to see us include reforms to permit the development and manufacturing of beneficial products, such as pace-

makers and other medical devices. Too often, biomaterials needed to manufacture those products have been unavailable due to litigation concerns. I had supported Senator ASHCROFT's amendment in the Commerce Committee that would have added the Biomaterials Access Assurance Act to the tobacco settlement legislation. The biomaterials legislation, of which I am a cosponsor, offers liability protections to manufacturers of biomaterials, which are needed to produce life-saving devices but which have been tragically unavailable in some instances because of litigation concerns. Such important health-related legislation as the biomaterials bill would be appropriate to include as part of tobacco settlement legislation, and, in my view, should in fact be directly linked to and included in the legislation.

In summary, I would like to again commend my colleagues for their hard work on the legislation and the majority leader for bringing this important legislation to the floor and giving the full Senate ample opportunity to debate and consider the bill. While I had hoped we could come together on the issue, I think it became far more complex than any of us had imagined. A number of amendments, many of which I supported, changed the nature of the legislation so fundamentally that the legislation really must be revisited from square one. With almost no restrictions on payments for damages and penalties, for instance, it became clear that the industry would never agree to voluntary advertising restrictions. In my view, tobacco advertising is one of the most powerful factors in influencing the decisions of teenagers with respect to smoking, and it was one of the key parts of that legislation that we were not going to get.

I will continue to work with my colleagues on this issue, and with my own Governor and state legislature. I am pleased that Leader LOTT is considering setting up a bipartisan task force to revisit this important issue. There is much that can still be done on it, and I believe that we have learned a great deal in going through this process once.●

TAX DEDUCTIBILITY OF THE BREAST CANCER STAMP

● Mrs. FEINSTEIN. Mr. President, I was concerned to learn this morning that the IRS will not allow individuals who purchase a special stamp intended to raise funds for breast cancer research to list the donation as a charitable gift for tax deduction purposes.

Last year, Congress passed legislation that authorized the US Postal Service to issue a stamp priced at 40 cents, with the additional 8 cents going to the National Institute of Health and the Department of Defense to fund breast cancer research. The clear intent of my legislation was that gifts made to fund breast cancer research through the purchase of the breast can-

cer stamp are to be considered as a charitable donation. For the IRS to treat them in any other way violates the spirit of the law.

Breast cancer is one of the greatest health risks facing America today. More than 2.6 million women are living with breast cancer right now, one million of them have yet to be diagnosed. Breast cancer is still the number one killer of women between the ages of 35 and 52. The disease claims another woman's life every 12 minutes in the U.S.

Despite increases in the last few years, research dollars are still desperately needed to fund cancer research. In 1996, the National Cancer Institute could fund only 26% of the research grant applications, a decline from 60% in the 1970's.

Clearly, there needs to be innovative ways to offset this reduction in research spending. The breast cancer stamp is one such idea. It has the potential to raise millions of badly needed cancer research dollars. I am disturbed that the IRS has chosen to make it more difficult to raise this money. My legislation was designed to encourage contributions for breast cancer research and I hope the IRS will help fulfill its intent.●

TRIBUTE TO DR. BRUCE CANADAY

● Mr. FAIRCLOTH. Mr. President, I am happy to announce that one of North Carolina's own has been elected president of the American Society of Health-System Pharmacists (ASHP). As president for the 1998-1999 season, Dr. Bruce R. Canaday, Pharm.D., FASHP will lead the nation's pharmacists in developing new and innovative patient care methods. His job will also include representing pharmacists from an array of varying disciplines such as hospitals, health maintenance organizations, long-term care facilities and home health care to name just a few.

After earning his B.S. in pharmacy from Purdue University, Dr. Canaday went on to earn his Doctor of Pharmacy degree from the University of Tennessee. Dr. Canaday's previous experience include serving as Chair of the ASHP House of Delegates and member of the Board of Directors, and as president of the North Carolina Society of Health-System Pharmacists.

When Dr. Canaday is not teaching future pharmacists under his title—Clinical Professor—at the University of North Carolina at Chapel Hill, he is working as Director of the Department of Pharmacotherapy for the Coastal Area Health Education Centers in Wilmington, N.C. At both the coastal centers and at UNC, Dr. Canaday's contributions to the field of pharmacy have taught pharmacy students the information necessary for delivering effective and efficient healthcare to those in need.

Mr. President, if those credentials are not enough for my colleagues to