

alleged to have occurred. So I hope that we can do that, as he noted, in a bipartisan way, thoroughly and very carefully examining the facts and coming to some conclusion prior to the time we issue any reports.

THE TOBACCO AMENDMENT

Mr. DASCHLE. Mr. President, in the next few minutes we will have an opportunity to revisit an issue that many of us hoped would not have been rejected last month. The amendment before us is the so-called McCain managers' amendment to the comprehensive tobacco bill reported by the Commerce Committee. The only significant change is the Lugar amendment to repeal the tobacco quota and price support programs is removed.

There were many complaints about how loaded up the tobacco bill had become. The amendment we are discussing this morning has none of the extra provisions dealing with taxes and drug abuse. Each day that we wait, 3,000 kids start to smoke; 1,000 of them will die prematurely of tobacco-related illnesses. Tobacco companies are targeting 12-, 13- and 14-year-old children as replacement smokers to fill the shoes of the 2 million smokers who quit or die each year. We have all heard the facts. Tobacco-related disease kills 400,000 Americans each year.

So today's tobacco amendment, the McCain managers' amendment, is simply designed to deter teen smoking without raising all of the other issues that surfaced during the debate. We had hoped very much that we could modify this amendment before its consideration today. Our Republican colleagues and the leader chose to oppose our unanimous consent request to change the amendment. We were going to modify the legislation to make it a straightforward authorization.

I will tell my colleagues that the modified amendment will be offered at a later date on another bill. We will be content to have the vote on the point of order on this amendment and then we will, as I have noted before, revisit this question on several occasions.

I am disappointed that our colleagues, for whatever reason, have chosen not to allow us to modify our amendment at this time. I hope no one will be misled. Their actions reflect their willingness to make difficult choices on tobacco legislation targeted at teenage smokers.

That is what this amendment is all about. So we will have an opportunity to vote on it. We can vote procedurally and we can obfuscate the question, but we will come back, and we will come back again and again over the course of the coming months, to offer legislation that will not be subject to any points of order. So we may be delaying that vote, but we will eventually have that vote.

I think it is critical that everyone recognize what a very important moment this is. The attorneys general are

meeting as we speak. There is very likely to be an agreement dealing with past actions on the part of the tobacco industry. The question is, Can we deal with future ones, can we anticipate similar actions and establish public policy that will prevent the tobacco industry from targeting teenage smokers? That is, in essence, what we are attempting to do here with advertising restrictions, with research, with an array of disincentives to teenage smokers that otherwise will not be part of any agreement. It takes legislation.

So, Mr. President, this will be our opportunity to do that. I know there are other Senators who wish to speak, and I will yield the floor.

Mr. KENNEDY. Will the Senator yield?

Mr. DASCHLE. I would be happy to yield to the Senator from Massachusetts.

Mr. KENNEDY. There is a time-honored tradition here which has been violated, at least in my concern, where a person who offers the amendment usually is afforded the opportunity to modify it, and that was not afforded to our leader last evening.

Is it the Senator's understanding that even if we have an attorneys general agreement that basically deals retrospectively with what has been achieved in the past but will not provide the kind of preventive programs that are so important to discourage teenagers from smoking, it will not strengthen the Food and Drug Administration to be able to take effective action in terms of certain advertising programs for youth and will do very little in terms of discouraging children from purchasing cigarettes because of an increase in price? Is it the Senator's understanding that one of the reasons he continues to press this is because even if there is an attorneys general agreement, that it is retrospective rather than prospective?

Mr. DASCHLE. The Senator from Massachusetts says it very well. That is as succinct a description of the problem as I have heard. The attorneys general may help address past problems, the retrospective and very serious concerns that have been raised in court cases throughout the country. The problem, then, becomes, how do we avoid those problems in the future? And what every attorney general has said is the only way you can do that is to establish new public policy that strengthens regulatory controls on tobacco, ends advertisements that target kids, expands our research efforts, increases the price of tobacco to deter youth from falling prey to the smoking habit, holding tobacco companies accountable for accomplishing youth smoking reduction targets, that is, let's put into place strategies that reduce teen smoking. Permanently. This must happen prospectively. What the Senator from Massachusetts said is exactly right. It's a question of whether or not we can successfully put into place laws that preclude any further

abuses by the tobacco industry. We must act now to stop the industry from any further use of covert strategies such as those that, thanks in large measure to the work of the attorneys general, are now common knowledge.

Mr. KENNEDY. Just finally, because I see others in the Chamber, of course, those kinds of inflictions of addiction are continuing among the young people in this country today without this action.

My final question is this: Is it the Senator's purpose in providing a substitute, if he had been able to do that, or make the modification last night in the time-honored tradition of this body, would the Senator's modification basically have addressed the objections which were made to the earlier consideration of the tobacco proposal? I understood that is where they were directed. So if the measure had been permitted to be modified, that effectively the kinds of procedural issues and questions that have been raised would effectively have been attended to and we would have on the floor of the Senate a real opportunity to address the substance of the amendment?

Of course, I think, myself, they both have become interchangeable, but I am just interested in what is the leader's viewpoint on that issue.

Mr. DASCHLE. I thank the Senator from Massachusetts for his question. We are in an interesting position here. The Republican majority will argue that the pending amendment violates our budgetary rules, and on the basis of that violation, they will vote against the amendment and vote against the motion to waive the point of order on the budgetary rules.

Last night, we offered to change the amendment to accommodate the budgetary rules, and we were denied the opportunity to change that amendment. So here you have the Republican majority objecting to our amendment based upon budgetary rules, but unwilling to allow us to change the amendment so that it conforms to budgetary rules. So the question then becomes, What is the basis for the real opposition? The basis for the real opposition, one could only assume, is that they simply do not want to pass meaningful tobacco policy that takes aim at the array of serious policy concerns the Senator addressed in his earlier question.

Mr. KENNEDY. I thank the leader.

Mr. DURBIN. Will the Senator yield for a question?

Mr. DASCHLE. I am happy to yield to the Senator from Illinois.

Mr. DURBIN. Is the Senator saying the vote which we are about to take is one where there will be objection to the Senator's motion on procedural grounds, and yet the Senator was not afforded the opportunity to correct any procedural problems?

Mr. DASCHLE. The Senator from Illinois is correct.

Mr. DURBIN. So, in other words, I recall a gentleman I worked for in Illinois by the name of Cecil Partee, who

used to say, "In politics, for every position you take there is a good reason and a real reason." So the good reason many Republicans will oppose our amendment is that because procedurally it is inartful or doesn't comply with the rules; the real reason is they don't want to give the leader a chance in any way to correct his amendment so we can move to a vote that really has accountability for tobacco companies. Is that not the case?

Mr. DASCHLE. The Senator from Illinois is correct. My answer, stated, I think, prior to the time the Senator from Illinois came to the floor, was simply to say: We will have that opportunity on other bills. We will not be precluded from having an opportunity to offer a tobacco amendment that conforms to budgetary rules in some other context on some other piece of legislation in the not too distant future.

Mr. DURBIN. I ask the Senator to yield for one other question. So the tobacco companies on this next vote would really want your motion defeated; is that not true?

Mr. DASCHLE. The tobacco company's vote would be a "no" vote. That is correct.

Mr. DURBIN. I thank the Senator.

Mr. DASCHLE. I yield the floor.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

The PRESIDING OFFICER (Mr. HUTCHINSON). Under the previous order, the Senate will now resume consideration of S. 2159, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2159) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1999, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Daschle amendment No. 2729, to reform and structure the processes by which tobacco products are manufactured, marketed, and distributed, to prevent the use of tobacco products by minors, and to redress the adverse health effects of tobacco use.

Motion to waive section 302(f) of the Congressional Budget Act with respect to consideration of Amendment No. 2729.

MOTION TO WAIVE THE BUDGET ACT— AMENDMENT NO. 2729

The PRESIDING OFFICER. The pending question is the motion to waive the Budget Act with respect to the Daschle amendment, No. 2729.

The distinguished Senator from Mississippi is recognized.

Mr. COCHRAN. Mr. President, as I understand it, the Democratic leader's request was that there be 10 minutes equally divided, or 10 minutes on each side? Although 10 minutes has already been used in debating the amendment, does that count? I am curious.

The PRESIDING OFFICER. The Chair will advise the Senator he has 10 minutes remaining.

Mr. COCHRAN. Mr. President, I yield such time as he may consume to the distinguished Senator from New Mexico, the chairman of the Budget Committee.

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

Mr. DOMENICI. Mr. President, let me say to anyone listening to this debate, you would think that those who want the big spending bill that is in the guise of helping children stop smoking—you would think they have not had an opportunity on the floor of the Senate to present their case. If one would take this discussion and say that is the only discussion we have had on the so-called cigarette tax bill, that would be one thing. But my recollection, without checking the record, is that we have debated this issue for 4 weeks. Is that not correct, I ask the chairman of the subcommittee? Four weeks of floor time, with scores of amendments and so many hours of debate that I am assuming even the American people who watch C-SPAN wondered, "How much longer are you going to discuss this?" Now we come to the floor on an appropriations bill that everybody knows has to be passed and signed by October 1 or we close down all of agriculture in America, and up comes the cigarette bill and a debate starts: "The Republicans don't want to let us vote."

I don't know anything about the lack of ability to amend the amendment, but I do know this. This amendment is for real in terms of its budgetary impacts. As a matter of fact, if this were on the bill when it came out of committee, it would be subject to a point of order and the whole bill would fall. That is how important it is, because it overspends what is allocated to the Subcommittee on Agriculture by \$8 billion. I wonder how many eight billions of dollars over the allocation which keeps this new balance we can have around here? Can we have eight or nine of them this year and say, "It is such wonderful legislation that we just ought to break the rules of the budget?"

I will acknowledge the Budget Act says you can waive the Budget Act, so I am not critical of those who try to waive it. But I am wondering whether or not, when we wrote that Budget Act and said you can waive it, whether we had in mind breaking a 5-year balanced budget that was in place for the first time in 40 years because along came some legislation that people thought was very, very interesting and important?

Let me repeat. There are some who are going to say this is just a procedural vote, it isn't meaningful, and Republicans have pulled this out of the bag like a rabbit pulled out by some kind of a person that pulls tricks. There is nothing to that. Mr. President, \$8 billion is a lot of money. I

think the American people understand \$8 billion. And this is \$8 billion in new direct spending that will be charged to this subcommittee on its agricultural bill for all of agricultural programs, including research, in the United States. It could cause the bill to fail so that those on the other side of the aisle can have yet another chance to debate an issue which has been debated for 4 weeks.

Mr. President, I am glad the majority leader raised the point of order under the Budget Act. It is absolutely right. It is correct. It is substantive. As a matter of fact, had he not raised it, there would have been a chorus of Senators here to raise it because it is so patently in violation of the 5-year budget agreement that we just entered into last year wherein we told the American people it is a first in 38 years and how proud we are that we are in balance. Then along comes the President who says don't spend a nickel of the surplus on anything but Social Security. Then we come with bills like this, and there goes \$8 billion of the surplus here. I don't know what is going to happen on the next bill when they have more of this. So, frankly, I believe we ought to sustain the point of order.

I repeat, it is real, it is fair, and it is timely. They have had, those who want this gigantic \$875 billion new expenditure plan over the next 25 years—that is what the bill before us, the big bill, was—anyone who wants that, they had their debates for 4 weeks and lost. Do we want to start over again on an appropriations bill? And then who is going to be claiming we didn't get our business done, we couldn't get the appropriations finished by October 1? Who is going to be doing that? The President and the minority party. And this is just one more instance where it is their fault we don't get it done, not our fault.

We ought to pass this appropriations bill and do this in due course if there is another opportunity presented by the Senate. If not, they have had their day in court, it seems to me. I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I urge the Senate to vote against the motion made by the Democratic leader to waive the Budget Act. This is an amendment that is almost the biggest program in the entire bill that is contained in the agricultural appropriations bill that is before the Senate. We don't have the authority as an Appropriations Committee to write the legislative language to create a program of this kind, and that is what the Democratic leader and his cosponsors on his side of the aisle seek to do.

There is funding in the bill, Senators should know, for the Food and Drug Administration's program targeted to dealing with the problem of underage smoking. Mr. President, \$34 million is appropriated in the bill for the FDA's