

that was presented during the debate over family leave—as well as by our former colleague, Bob Dole—about what would be the effect on employee performances, what would happen to productivity, what would happen to growth when you had people moving in and moving out, as the critics claimed, nearly 96 percent of the employers reported no noticeable effect on growth. The concern was that this legislation would bring growth rates down. In fact, according to employers, 95.8 percent said there was no noticeable effect at all. Interestingly, 1 percent said they had a positive growth effect. If fact, we had only 3.1 percent who said it had a negative effect, again, in just the first 2 years of the bill being the law of the land.

More than 94 percent reported no effect on employee turnover. This was another accusation, that we are going to get huge turnover rates from family leave legislation, and yet on turnover rates, 94.7 percent of businesses reported no problems with turnover whatsoever.

Eighty-three percent of the employers reported no noticeable impact on employee productivity. We were told, once again, that productivity rates would fall—businesses would lose people and have to hire temporary employees to come in for a period of time. Supposedly this would cause productivity rates would fall. In fact, 83 percent said the law had no impact on productivity whatsoever. In fact, 12.6 percent actually said the law had a positive effect on productivity because, I presume, people no longer had to worry about losing their job because of a family crisis.

As we all know, Mr. President, family and medical leave is more than just statistics. There are real Americans behind these numbers. In compiling our bipartisan report on family and medical leave, we heard testimony from Americans who have been helped by this legislation. None of the commissioners—none of the commissioners, Mr. President—will ever forget the story of the Weaver family that we heard during our hearing in Chicago.

Melissa Weaver of Port Lavaca, TX, was 10 years old when she was diagnosed with a rare form of cancer, and after undergoing a year of surgery, chemotherapy and radiation treatments, her doctor regretfully informed her parents, Ken and Rosie Weaver, that she had only a few months to live. Because of the Family and Medical Leave Act, over the next 7 weeks, the Weavers were given the bittersweet opportunity to spend every moment together with Melissa during her final days.

In January 1994, Nedra Ward, an administrative assistant in Chicago, discovered she was pregnant. After her first trimester, she developed complications, putting her health and pregnancy at risk. Her employer allowed her to take time off on an intermittent basis. Today, she has both her job and a healthy, strong, baby boy.

Jonathan Zingman's second daughter was born in 1994. Two weeks after the cesarean section birth, the baby developed an infection and was hospitalized. Jonathan Zingman took 2 weeks off from work to aid his wife in recovering from surgery, to take care of his new daughter, and to give his older daughter an opportunity to adjust to her new sister.

What the Weavers, Nedra Ward, and Jonathan Zingman all have in common is that due to the Family and Medical Leave Act, they were not forced to make a choice between their jobs and their families.

As the author of this legislation, I would prefer that no one would ever have to use it because of a sickness, but as we all know, life is not so kind. The Family and Medical Leave Act has given these three American families, as it will millions of others, the opportunity to take medical leave when illness strikes and the necessary time to care for ailing family members and loved ones.

I hope that Mr. Dole and others, particularly Mr. Dole, would retract any suggestion that he might repeal the Family and Medical Leave Act if elected. I can think of few other pieces of legislation that have had such a positive and beneficial impact on the American public as this legislation, which is now the law of the land because President Clinton signed it in February 1993. But for 7 long years we had to fight day in and day out to enact family and medical leave legislation. We fought through two veto overrides, in which we succeeded in one but eventually lost the fight in the House of Representatives. To repeal this legislation now would be a major setback, in my view, for America's working families and I hope that on this one piece of legislation Bob Dole will admit he was wrong and agree today that family and medical leave will, and must, remain the law of the land.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. DODD. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been noted. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FORD. 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. Mr. President, is it in order to take some time as in morning business?

The PRESIDING OFFICER. The Senator may proceed.

TOBACCO

Mr. FORD. Mr. President, Kentucky writer and farmer Wendell Berry wrote that:

Though I would just as soon get along without it, a humbling awareness of the

complexity of moral issues is said to be a good thing. If such an awareness is, in fact good—and if I, in fact, have it—I have tobacco to thank for it.

Like Berry, any awareness I have of moral complexities is also thanks to tobacco. Now I know there are some people who don't think there is anything at all complex about the tobacco issue. For them it is simply money versus morality.

For them there is no family business, there is no tradition, there is no farmer. And perhaps most disturbing—there is no appetite for reason.

That is something that we seem to be in short supply of here, from those who are determined to regulate an industry out of business to those who would rather play politics than protect our farmers.

These opportunists are thinking only of themselves and today, rather than all of us and tomorrow. And in the process, teenagers keep smoking, farmers fret about their futures, and the litigation continues.

I will admit that when it comes to Kentucky, I can be as hard as a bull's head. But, on the issue of teen smoking, I have been as reasonable as they come. I am one of the biggest defenders of tobacco, yet 1 year ago I, Wendell FORD, introduced legislation putting severe restrictions on the tobacco industry in an effort to reach a reasonable solution to the problem of teen smoking. Today, a full year later, none of my friends on the other side of the aisle have joined as a cosponsor or offered other legislative options.

And this is not my first attempt at reason on the issue of youth smoking or on the issue of the health effects of smoking by any means.

Mr. President, when I was Governor back in 1973, I worked with the legislature to create the Tobacco Research Board and authorized the University of Kentucky to begin an intensive research program directed toward "proving or disproving questions about health hazards to tobacco users . . ."

In 1984, I sat down at the table and came up with reasonable warning labels for tobacco products.

In 1992, I sat down at the table and hammered out an agreement on a national minimum age for the purchase of cigarettes. We backed those SAMSHA purchasing requirements with teeth, to ensure States did everything they could to enforce the law.

In 1994, I was right at the table when my colleague, Senator LAUTENBERG, decided to offer his pro kids bill, prohibiting smoking in any building that receives Federal funds and to which children have access. I did not stand in the way.

I sat down at the table time and again because like everyone else, I am against youth smoking. But I also sat down at the table because I realized that inaction was not a solution to the problem of youth smoking, just as it is not a solution today.

Don't get me wrong. I am as angry as I can be that the FDA is being given jurisdiction over tobacco. Bringing in the FDA will only create a whole new bureaucracy when tobacco is already regulated by at least seven Federal agencies including USDA, HHS, BATF, IRS, SAMSHA, EPA, and the FTC. I have it right here, Mr. President, a stack of all the current Federal tobacco laws and regulations—oh, about 18 inches tall—and this does not even include the tens of thousands of pages of State tobacco law and regulations. And now with the new FDA regulations, I can add another 200 pages from the Federal Register to this stack here on my desk.

But despite my frustrations and complete opposition to FDA regulation, I know that simply ignoring the problem is not going to fly, just as putting tobacco out of business is not going to fly.

The only answer is a legislative solution. Unfortunately, instead of working with me over the past year to come up with a legislative solution for our farmers, many in Congress have chosen to use the FDA regulations as a campaign rallying cry. But while they are stonewalling to win the tobacco farmers' vote today, where will they be if the courts rule against our farmers tomorrow? They must be prepared to answer for their inaction.

Anyone who says this can be solved with one vote at the polls in November is not shooting straight. That is because everyone familiar with this issue knows that the FDA would have been sued if they took this action, and they would have been sued if they took no action.

I do not care who you have in the White House next January or holding the gavel here in Congress, you have a problem that is going to be solved one of two ways—in the courts or in Congress. It's a fact that farmers have a bigger voice in the Halls of Congress than they do in a court room. We are forcing farmers to play Russian roulette with the court system and giving them an uncertain and ambiguous future.

It has been clear to me—and should be clear to others—that we must have a legislative solution for our farmers. We need a legislative solution because FDA jurisdiction has been rejected by the courts in the past, because the question of FDA regulation may be tied up in litigation into the next century, and because many aspects of the FDA regulation go beyond what is needed to target youth smoking.

With good reason, tobacco supporters are most troubled by this last reason—that the FDA regulations go beyond what is necessary to target teen smoking. We do not believe Dr. Kessler's desire to reduce smoking is his only motivation for regulating tobacco, and the regulations themselves further undermine his credibility on the issue. Let me quote, Mr. President, from the Federal Register notice accompanying the regulation:

... FDA intends to classify cigarettes and smokeless tobacco at a future time,—

Classify cigarettes and smokeless tobacco at a future time?

and will impose any additional requirements that apply as a result of their classification. . . .

It does not sound like they are just after youth smoking.

Like me, my farmers want to know exactly what that means for tobacco. According to Dr. Kessler, a pretty grim future. Back in February 1994 in a letter concerning FDA authority over tobacco, he wrote:

A strict application of these provisions could mean, ultimately, removal from the market of tobacco products containing nicotine at levels that cause or satisfy addiction. Only those tobacco products from which the nicotine had been removed or, possibly, tobacco products approved by FDA for nicotine-replacement therapy would then remain on the market.

Documentation like this makes Dr. Kessler's interest in the narrow issue of teen smoking suspect to say the least. In fact, his public statements and testimony in 1994 are full of references to FDA regulations, but never in the limited context of youth smoking. I don't think I am alone in fearing that the sympathetic issue of youth smoking has become a convenient vehicle for darker ulterior motives.

A legislative solution is clearly needed to prevent Dr. Kessler from promoting his agenda under the guise of youth smoking. But that legislative solution will come only if all the players are sitting at the table ready to negotiate. It has never worked any other way with tobacco.

Congressman BAESLER and I have had legislation out there for a full year. What it represents is a good starting point for protecting tobacco farmers' interests instead of leaving the decision to some court that we have no control over. But, while we've got Members willing to protect NASCAR and rodeos with legislation, we've found little support from other tobacco State Members to try and help our farmers. Congressman BLILEY has gone so far as to say this is a question for the courts, not Congress.

Think about it. This year two of the largest tobacco companies have come out with even tougher proposals than mine in an effort to have a legislative solution that keeps FDA out of the business of regulating tobacco. Some will dismiss the tobacco company's action as public relations. I call it being reasonable.

They too, have found little support. This should be a team effort but instead has turned into partisan conflict that has wasted an entire year and weakened our overall strength in the fight to save the youth from smoking and to protect our farmers.

Mr. President, I introduced my legislation because I am fiercely opposed to Government interference in the legal decision of adults in this country. I introduced this legislation because I be-

lieve someone needs to truly look out for the tobacco farmers' interests. I introduced this legislation because I believe the problem of teen smoking calls for reason, not rhetoric.

Over and over again, I have sat down at the table and tried to come up with solutions for my farmers. For this past year I sat at the table alone because others would rather play politics. I believe the decision to stay away will have long-term implications for the future of tobacco farming and for the well-being of the industry as a whole.

Mr. President, Dr. Kessler was able to introduce his regulations because he said cigarettes were a device. Now he has made the thumb and two fingers a device because he says smokeless is included in that. So if you dip and get some tobacco, then your thumb and two fingers become a device—a device. So, cigarettes are a device, your thumb and index fingers are a device.

Something about this is wrong, Mr. President. After the November election is over, I am sure it will get out of the political arena as some try to bilk the tobacco companies for all the campaign funds they can get and they try to bilk the poor tobacco farmer out of a vote. Once November 5 is past, maybe we will be able to find someone willing to sit down at the table.

I was chastised in a letter I received yesterday for being in the position I am in. They say that—taking their numbers—3,000 young folks start smoking every day; that is over 1 million a year. With the litigation of these regulations being in the courts 3 to 5 years, say 5 years, they themselves have allowed over 6 million young people to start smoking, instead of sitting down trying to work out something reasonable that can stop it.

Now, you say you are trying to protect the farmer. I am, but I voted for every piece of legislation that has come through here to help prevent youth smoking, from labeling to smoke-free schools. I voted for SAMSHA, which is imposed upon the States. Where are those who want to do something for youth? All they want to do is run ads in the newspapers against my colleagues. They want to write big stories and have a lot of money in their till so they can get out there and beat their chest about how wonderful a job they are doing, while they are letting youths go down the tubes and the tobacco farmer go down the tubes.

Mr. President, I ask my colleagues, those affected by this issue, come reason together. Reason together so we can return to our farm families not only a sense of security and stability but a sense of dignity about the work they do.

I yield the floor.

COMMUNITY SERVICE MAKES A DIFFERENCE

Mr. NUNN. Mr. President, I am pleased to speak today regarding a recent collaboration between AmeriCorps