

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

and Habitat for Humanity. Everyday on television and in newspapers we are reminded in some way of the problems of our Nation's distressed urban areas. I would like to draw the attention of my colleagues to one example of how community service is making a real difference in the area of affordable housing for hard-working families in cities across the country. On June 22, 1996, Habitat for Humanity sponsored the Home Stretch Build. Several hundred community volunteers and 75 Habitat AmeriCorps members from Americus and Savannah, GA; Miami, FL; Cleveland, OH and the District of Columbia built nine new homes in Southeast Washington, DC. That day Habitat for Humanity founder and president, Millard Fuller, said the following about the AmeriCorps Program:

There are a bunch of good folks out here today, doing something very, very worthwhile. I'm particularly pleased with the AmeriCorps people here, over 75 of them, and I want to salute you . . . for the outstanding work that you do. This army of peaceful people, who are making good news happen all over this Nation. Twenty-five thousand of them. And I want you to know that we at Habitat for Humanity feel privileged and honored to have the AmeriCorps people with us, and we want more of them as time goes on. We love to be partners with you in this work, and I salute all the AmeriCorps people.

Mr. President, this is another in the long list of examples of national service participants reaping the threefold benefit of national service—benefit to the community where the service is performed, benefit to the servers for serving their communities, and the benefit derived from the education of the servers in the future. I applaud the National Service Corporation for its ongoing efforts, and urge my colleagues to take note of the successes of these young people.

I yield the floor.

#### THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, September 23, the Federal debt stood at \$5,192,406,060,962.74.

Five years ago, September 23, 1991, the Federal debt stood at \$3,628,836,000,000.

Ten years ago, September 23, 1986, the Federal debt stood at \$2,107,785,000,000.

Fifteen years ago, September 23, 1981, the Federal debt stood at \$977,809,000,000.

Twenty-five years ago, September 23, 1971, the Federal debt stood at \$415,377,000,000. This reflects an increase of more than \$4 trillion, \$4,777,029,060,962.74, during the 25 years from 1971 to 1996.

#### BRAIN INJURY ASSOCIATION PERFORMING GREAT WORK

Mr. HELMS. Mr. President, traumatic brain injury is a silent epidemic which afflicts one person in the United States every 15 seconds. Nearly 250,000

Americans suffer severe head injuries; and brain injury is the No. 1 killer of young Americans under the age of 40. More than 20 million Americans are affected one way or another by brain injury, with an estimated 60,000 deaths expected this year alone.

The Brain Injury Association, Inc., chaired by Martin B. Foil, Jr., of Concord, NC, was instrumental in the passage of the Traumatic Brain Injury Act which was signed into law on July 29, 1996. Mr. Foil, and his wife, "Puddin'," have worked tirelessly over the past 5 years to help pass this important legislation. The Foils' son, Philip, was injured in a car accident and suffered serious brain injury. The Foils turned that personal tragedy into a triumph for others. The Traumatic Brain Injury Act has focused a national spotlight on brain injury as a major health problem, and provides research grants for the prevention, treatment, and rehabilitation of brain injury.

Mr. President, brain injury in the United States costs an estimated \$48.6 billion annually. Most of this expense is paid for by taxpayers through Medicare and Medicaid. It is hoped—and that is what the Traumatic Brain Injury Act is all about, providing hope—it is hoped that funds from the Traumatic Brain Injury Act will lead to innovative treatments which will help victims and their families better deal with this devastating injury.

Mr. President, I ask unanimous consent that a Charlotte (NC) Observer article regarding the Foil family dated August 4, 1996, be printed in the RECORD at the conclusion of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Charlotte Observer, Aug. 4, 1996]  
CONCORD TEEN'S BRAIN INJURY LED PARENTS  
TO FIGHT FOR MORE PREVENTION AND RESEARCH

(By John Monk)

Between the grim aftermath of the crash of TWA Flight 800 and the attention riveted on Atlanta's Olympics, it passed almost unnoticed. But Martin Foil, wife "Puddin'" and son Philip of Concord pulled off their own Olympian feat last week.

President Clinton invited the family to the White House as he signed a bill aimed at preventing and researching traumatic brain injuries. For the Foils, the signing in the Oval Office culminated two long struggles: their 12-year-old battle with a brutal accident that left their son disabled, and their fight to find treatment for similar injuries.

"We've been working on this 5 years," said Foil, 63, CEO of Tuscarora Yarns, Inc. in Mount Pleasant, NC, and chairman of the Washington-based Brain Injury Association.

The bill authorizes \$15 million in research grants for the prevention, treatment and rehabilitation of brain injuries. It allots an additional \$9 million for the Centers for Disease Control to monitor brain injuries.

The Foils' struggle began more than a decade ago.

In December 1984, Philip Foil was driving home from Concord High School. At 16, he was a bright, well-liked student who tutored colleagues in algebra and wanted to be a doctor. A car crossed a center line and slammed

into Philip's car. In an instant Philip suffered severe head injuries. For 114 days, he lay in a coma. He woke to a life where, because his brain can't signal his body, he would need rehabilitation and care the rest of his life.

The Foils discovered that many people with traumatic brain injuries fall through the cracks of the nation's medical system. Brain injuries are not always formally recognized. Families who must care for the victims undergo enormous stress.

"Many people have been denied benefits from government programs, from insurance companies, as a result," said Dr. George Zitnay, president of the Brain Injury Association.

In the first years following Philip's accident, the Foils concerned themselves with his rehabilitation. He has made enormous progress, now able to walk with assistance and talk with the help of a vocalizing machine.

These days, there are tens of thousands of people like Philip. Modern medical treatment means many more people than ever survive brain injuries. No one has exact statistics on the number of brain-injured people. But the association estimates that up to 56,000 Americans die and more than 300,000 are hospitalized each year. Of the hospitalized, nearly 100,000 will sustain lifelong disabling conditions from sports, gunshot, and traffic accidents.

Most people who survive brain injuries are likely to live out their normal life span in a handicapped condition, and the cost is prohibitive.

"The average cost for a debilitating brain injury is \$6 million or more," said Foil.

For years, Foil said, his grief over his son's injury kept him from getting involved in efforts to help publicize brain injuries. Gradually, he reached outward and contacted the association.

In 1992, when Foil became chairman, he gave top priority to passing legislation to research and prevent brain injuries.

Thousands of groups and lobbyists try each year to get legislators to introduce bills, but only a small percentage wind up as law.

Luck intervened.

Representative Jim Greenwood, R-Pa., was elected to the U.S. House of Representatives in 1992. As a state senator, Greenwood had won reforms for brain-injured victims.

Once in Washington, Greenwood was assigned to the House Commerce Committee, where any brain-injury legislation would originate. He became an expert in health care and won GOP leadership backing for a bill involving about \$8 million a year for three years, a tiny sliver of the \$1 trillion-a-year Federal budget.

Meanwhile, Foil's group won allies in the Senate, including Sens. Edward Kennedy, D-Mass., and Nancy Kassebaum, R-Kan. In July, Congress passed the bill that Clinton signed last week.

The Foils' battle is not over.

Their son, Philip, lives at home and will always need care. His parents are thankful he's a vital part of the family.

Congress may take a second action. Clinton signed an authorization bill—a law that allows money to be spent for a specific purpose. Now, Congress must pass an appropriations bill, which will actually permit the money to be spent.

"We'll get the money," said Foil. "Congress would be ashamed not to give it to us."

#### TRIBUTE TO SENATOR NANCY KASSEBAUM

Mr. HEFLIN. Mr. President, it took many of us by surprise when the junior