

## ABOLISH SECRET HOLDS

Mr. SPECTER. I compliment our colleagues, Senator GRASSLEY and Senator WYDEN, for their initiative in moving to end the practice of a hold. For those watching, if anyone, on C-SPAN2 at the moment, a hold is a Senate procedure which is secret, where the Senator says that matter may not move without notifying me. The final days of the session are sufficient to stop any action on an individual by a statement that there be insistence on debate, where there is no time for votes, or when we are not having them, as we have not had any for the past several days.

I intend to join Senator GRASSLEY and our Republican caucus to try to end this pernicious practice. It simply ought not to prevail in an open society and in an open setting.

If someone has an objection to some individual or to some bill, I think it is only right that the individual stand up and state the objection. I do thank my colleagues who had objected to Judge Massiah-Jackson for being forthright in discussing the matter with me, and I understand an honest difference of opinion. I respect that difference of opinion. I don't agree with it, but I do respect it, so long as you have an opportunity to discuss the matter, to find out what is happening and we can try to do something about it.

## CONGRATULATIONS ON SESSION CONCLUSION

Mr. SPECTER. This is the end of our first session of the 105th Congress, and I congratulate our colleagues both in the House and the Senate on doing the country's business and being out by Thanksgiving. I think that is an accomplishment.

I yield the floor.

The PRESIDING OFFICER (Ms. COLLINS). The Senator from Wyoming is recognized.

Mr. ENZI. Thank you, Madam President.

## MARGARET CHASE SMITH

Mr. ENZI. I appreciated the comments earlier of the Presiding Officer. I learned a great deal from listening to the Senator talk of the people that have gone before her. Of course, that reminds me of people that have gone before me from my State and all of those who have gone before us in this great body. We not only think about those who have gone before, we think about those people who are here now, those people who are at home in our respective States at the moment, and those people who are relying on our judgment in this Chamber today to preserve the right for them to be here or in Maine or in Wyoming in the future.

## NOMINATION OF ANN AIKEN TO BE FEDERAL DISTRICT COURT JUDGE, DISTRICT OF OREGON

Mr. ENZI. Madam President, today I rise to oppose a nomination. I want to tell you, I have a hold on a nomination. It is not a secret hold. Those that are interested in the nomination know I have the hold on it. I would not do that in secret. The purpose is not for secrecy. The purpose is to get an action that will show on the record, that will be reflected by this body for years to come. That is what we were sent here for.

Judge Ann Aiken has been nominated by the President of the United States to be a District Court Judge for the District of Oregon. I have asked for a rollcall vote because I want to be on record as opposing this nominee. I don't question Judge Aiken's experience or academic qualifications to sit on the Federal bench. I do have serious concerns about her judicial philosophy as she has applied it in State court in Oregon. One particularly tragic case perhaps best illustrates concern. It is the case of State versus Ronny Lee Dye, a 26-year-old man who was convicted of first-degree rape of a 5-year-old girl. Instead of sentencing this convicted rapist to State prison, Judge Aiken sentenced him to only 90 days in jail and 5 years' probation, plus a \$2,000 fine. According to local papers, Judge Aiken did not want to sentence Dye to state prison because the prison did not have a sex offender rehabilitation program.

How do you think the parents of that girl felt? Moreover, she believed that the probation following the jail term provided a stricter supervision than the parole that would have followed the prison sentence.

Less than a year after the conviction for rape, Dye violated his parole by driving under the influence of alcohol and having contact with minor children without permission of his probation officer. I believe that Judge Aiken's handling of this case and others illustrates an inclination toward an unjustified leniency for convicted criminals.

I do not pretend to be able to predict with any degree of accuracy how the nominee or any other will rule while on the Federal bench in exercising our solemn constitutional duty to advise and consent on the President's nominations for Federal courts, what this body stands for, we have only the past action, statements and writings to guide our deliberations. Moreover, since Federal judges have life tenure—life tenure—and salary protection while in office we have but one opportunity to voice our concerns in disapproval of a judge's record.

I, for one, cannot vote to confirm a nominee to the Federal court who I believe is inclined to substitute his or her personal policy preferences for those of the U.S. Congress and the various State legislatures. I have strong concerns about this judge. If confirmed,

would she be inclined to this type of judicial activism? For this reason, I will cast my vote against the confirmation of Judge Aiken and insist on a rollcall vote so that it will be recorded.

That may result in a delay in that court, but I think it is an important delay. I don't think I'm the only one opposing this, and I will insist on the rollcall vote.

I yield the floor.

Mr. NICKLES. First, I wish to congratulate my colleague, Senator ENZI, from Wyoming, for that statement. I wish more Senators would spend more time doing their homework on Federal judges. I think it is obvious in this case he has done a lot of homework on the judge. We should all do more, and he is certainly entitled to express that sentiment on the floor and he is entitled to a rollcall vote. I will certainly support him in that effort.

## ROAD AHEAD ON GLOBAL TOBACCO DEAL

Mr. NICKLES. Madam President, as we move toward adjournment in the first session of the 105th Congress, I want to take a couple of minutes to look ahead at one of the real big challenges that we have next year. That issue is tobacco and the so-called global tobacco deal that was agreed to earlier this year between the tobacco industry, States attorneys general, and health advocates.

Madam President, we have seen a significant sea change in our culture's attitudes toward smoking in the last 30 years. The proportion of adult smokers peaked at 43 percent in 1966 and has dropped dramatically since then to about 25 percent today. According to the Federal Trade Commission, demand for cigarettes is forecast to continue to decline about 0.6 percent a year for the foreseeable future.

However, as adult use has declined, concern has grown about the number of underage smokers who every day try their first cigarette. Madam President, 4.5 million kids ages 12 to 17 are current smokers, according to the Department of Health and Human Services; 29 percent of males age 12 to 21, and 26 percent of females in the same age group currently smoke, according to reports of the National Center for Health Statistics. In 1994, the Surgeon General's report found that 9 out of 10 Americans who currently smoke say they began smoking as teenagers. Many Americans share a common goal to reduce teen smoking dramatically to break the cycle of smoking as we enter into the 21st century. Members of Congress, Republican and Democrat, too, would like to see our children smoke free and families free from fear of smoke-related cancers and disease.

The agreement between the tobacco industry and States attorneys general was motivated by good intentions, but it resulted in a deal that is very complicated. In the Senate, several committees have held numerous hearings

trying to elicit more information and understanding of the agreement.

Since the Clinton administration was intimately involved in crafting the June 20 deal, we were hopeful that the President would come forward with specific recommendations and legislation to describe how the deal would work.

Unfortunately, the President ducked a historic opportunity for leadership. Rather than following the regular order of submitting legislation, he sent us five vague principles. His inaction set back the work of the Congress considerably.

I remain hopeful that the President and his administration will tell us specifically what he wants in legislation. For now, though, the Congress has to do the heavy lifting. We have to make our own decisions about how the various elements of the deal should be put together.

Through the summer and fall, I met several times with Senate committee chairmen who have jurisdiction over the major elements of the deal. They include the Committees of Agriculture, Commerce, Finance, Labor, Judiciary, Environment and Public Works, as well as Indian Affairs.

I have requested that, when we reconvene next year, they begin work and try to find out what the majority in their committees, Republicans and Democrats, believe are important elements of a comprehensive plan targeted on reducing teenage smoking. I have asked them to conclude their work by March 16, 1998, and they have agreed to meet that timetable.

As they do their work, I am asking them to answer, to their satisfaction and to the satisfaction of the public, 10 important questions, which I will have printed in the RECORD at the end of my remarks. These questions deal with the whole parameter of the proposed resolution. For example: What works best to reduce teen smoking? We have Government programs and we have private programs. What really works? What is the best method of reducing teen smoking?

Should we increase the price of tobacco? President Clinton mentioned he thought we should increase the price a dollar and a half. Should that be done in the form of taxes or in the form of price increases? If it is done in the form of price increases, do we need to give exemptions for that to happen? Do we need to make sure tobacco companies would not make more money than that would allow? Are they going to be able to make excess profits from the price increase? Do we increase the price by increasing tobacco taxes? Should the States have the allowance to be able to increase tobacco taxes, in addition to whatever the Federal Government would do?

Another big question is, Who gets the money? This is a big dispute. A few weeks ago, Health and Human Services Secretary Donna Shalala wrote a letter to the States and said that the Federal

Government is entitled to its pro rata share of the Medicaid money, assuming States were getting most of their money to reimburse them. The States attorneys general said no. They went to court and they filed suits. The Federal Government didn't join in those lawsuits. The States are saying, give us the money. They took the legal action; the Federal Government didn't. So who should get the money? We need to make those decisions.

How much money are we talking about? The States attorneys general and the industry came up with an agreement that said \$368 billion over 25 years. The administration said, "We want a lot more." They didn't say how much more. Should there be additional fines and penalties? These decisions have to be made. Should the money go to the States and have it be off budget? They have not made those decisions.

As you can see, these are not easy decisions to make, and there are more questions. What would be an appropriate antitrust exemption for tobacco companies? What kind of limitations should they have on immunity from lawsuits? Should there be a total exemption from class action lawsuits for the tobacco industry? Should that apply to individuals as well?

How much power should the FDA have? Should they be able to ban or regulate nicotine or cigarettes, or control advertising and sales? Is that something that would require legislative action?

How do we take care of those people who are directly affected by this, such as the tobacco farmers, the processors, the distributors, the people that have the vending machines, and so on? They were not included in the original package. Should they be included in whatever comprehensive legislation we would pass?

What did the proposed resolution leave out? There are a lot of things we should consider that weren't included. Should we have a limitation on compensation for the attorneys in this process? And so on. I could go on and on about the unanswered questions.

My point is that there is a lot of work to do. If the Congress is going to move this piece of legislation next year in a comprehensive bill, then we are going to have to go to work early. So I have asked the committee chairs to consult with the ranking members and the other members of the committee to try and come up with what they believe in their committee of jurisdiction they have strong support for and what they think should be included in a total package. Then we have, as I mentioned, six committees that are involved in this legislation directly—maybe more are indirectly involved—and certainly more. I didn't include Budget, which is involved. So I'm asking all committees to make their recommendations, and we will try to put a package together to see if we can't really have a concerted, aggressive, energetic effort to reduce teenage con-

sumption of smoking, teenage addiction to smoking.

I might mention, Madam President, that in addition to smoking, I think Congress should be tackling teenage addiction to drugs, because teen drug use, unfortunately, has doubled in the last 5 years. We have seen enormous increases. As a matter of fact, 11 percent of kids in junior high now use dangerous, illegal, illicit drugs. Today, 1 out of 10 kids in sixth, seventh, and eighth grade are using illegal drugs on a monthly basis. The number of kids using marijuana has more than doubled in the last many years. We have to have a concerted effort, I think, to reduce teenage addiction to tobacco, but also other drugs as well.

Madam President, this will not be easy. If you try to see all of the different pieces of this package and try and put it together, it will not be easy. But I think that we have what I would say is a bipartisan agreement that we should reduce consumption and addiction of drugs and smoking among teenagers. I am very committed to trying to pass a comprehensive package that will reduce teenage smoking and teenage addiction to drugs.

I just say to all my colleagues, let's work together and see if we can't come up with a package we can all be proud of—not just something that's good for politics, but let's do something that is going to good policy. It will be good policy if we can get teenagers off drugs and away from a tobacco addiction. Let's work together to make that happen, not just try to score points and say who is the most antitobacco, or the most this or that. Let's work on good policy, something that will help curb the growth of teenage addiction to tobacco and drugs. I welcome the contributions of Senator MCCAIN, Senator HATCH, Senator LUGAR, Senator MACK, and others over the past few weeks on this issue. I think we can work together for the betterment of our children, and our country.

Madam President, in conclusion, I want to insert a couple of other things in the RECORD. One is a summary of a study that was done by the Federal Government. There was a \$25 million Federal study published on September 10 in the Journal of the American Medical Association entitled the National Longitudinal Study of Adolescent Health. The study concluded that feeling loved, understood, and paid attention to by parents helps teenagers avoid high-risk activities, such as using drugs and smoking cigarettes. The study further concluded that teenagers who have strong emotional attachments to parents and teachers are much less likely to use drugs and alcohol, attempt suicide, and smoke cigarettes.

Madam President, I mention this study because it had a lot of common sense. The study found that the presence of parents at home at key times—in the morning, after school, at dinner,

and bedtime—made teenagers less likely to use alcohol, tobacco, and marijuana.

Ironically, the Government spends millions of dollars on programs to reduce teen smoking and, frankly, many of them haven't worked. I think this study shows that loving parents may be the best program that we can have.

Madam President, I ask unanimous consent that an article summarizing that study, published in the Washington Post on September 11, be printed in the RECORD.

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

[From the Washington Post, Sept. 10, 1997]

LOVE CONQUERS WHAT AILS TEENS, STUDY FINDS

(By Barbara Vobejda)

Teenagers who have strong emotional attachments to their parents and teachers are much less likely to use drugs and alcohol, attempt suicide, engage in violence or become sexually active at an early age, according to the largest ever study of American adolescents.

The study, published in today's Journal of the American Medical Association, concludes that feeling loved, understood and paid attention to by parents helps teenagers avoid high-risk activities regardless of whether a child comes from a one- or two-parent household. It is also more important than the amount of time parents spend at home, the study found.

At school, positive relationships with teachers were found to be more important in protecting teenagers than any other factors, including classroom size or the amount of training a teacher has.

Researchers also found that young people who have jobs requiring them to work 20 or more hours a week, regardless of their families' economic status, are more likely to use alcohol and drugs, smoke cigarettes, engage in early sex and report emotional distress.

The findings are the first wave of data from a \$25 million federal study known as the National Longitudinal Study of Adolescent Health, which surveyed 90,000 students in grades 7 through 12 across the country. Researchers also conducted interviews with more than 20,000 teenagers in their homes and with 18,000 parents. The results will continue to be analyzed in increasing detail over the next decade, researchers said.

The first analysis of the massive data not only confirms what other studies have shown—that family relationships are critical in raising healthy children—but teases apart more precisely what elements of family life are most important.

While the amount of time spent with parents had a positive effect on reducing emotional distress, for example, feeling "connected" to parents was five times more powerful. And this emotional bond was about six times more important than was the amount of various activities that teenagers did with their parents.

Though less important than the emotional connection, the presence of parents at home at "key times"—in the morning, after school, at dinner and at bedtime—made teenagers less likely to use alcohol, tobacco and marijuana. The data did not cite any one period of the day as most important.

"This study shows there is no magical time," said Robert W. Blum, head of adolescent health at the University of Minnesota and one of the principal researchers.

The study also found: Individual factors in a teenager's life are most important in pre-

dicting problems. Most likely to have trouble are those who have repeated a grade in school, are attracted to persons of the same sex, or believe they may face an early death because of health, violence or other reasons. Teenagers living in rural areas were more likely to report emotional stress, attempt suicide and become sexually active early. Adolescents who believe they look either older or younger than their peers are more likely to suffer emotional problems, and those who think they look older are more likely to have sex at a younger age and use cigarettes, alcohol and marijuana. The presence of a gun at home, even if not easily accessible, increases the likelihood that teenagers will think about or attempt suicide or get involved in violent behavior.

The researchers, most of whom are associated with the University of Minnesota or the University of North Carolina-Chapel Hill, said the study underscores the importance of parents remaining intensely involved in their children's lives through the teenage years, even when they may feel their role is diminishing.

"Many people think of adolescence as a stage where there is so much peer influence that parents become both irrelevant and powerless," said J. Richard Udry, professor of maternal and child health at UNC-Chapel Hill and principal investigator of the study. "It's not so that parents aren't important. Parents are just as important to adolescents as they are to smaller children."

The study did not compare the influence of peers to that of family. But the authors did suggest steps parents can take: Set high academic expectations for children; be as accessible as possible; send clear messages to avoid alcohol, drugs and sex; lock up alcohol and get rid of guns in the home.

Udry led a team of a dozen researchers, whose work was funded by Congress in 1993 to learn more about what can protect young people from health risks. The study was sponsored by the National Institute of Child Health and Human Development, which is part of the National Institutes of Health.

The researchers went to great lengths to assure teenagers that their answers would remain confidential. On sensitive topics involving sex and drug use, for example, teenagers listened to tape recorded questions and answered on a lap-top computer.

Overall, the study found, most American teenagers make good choices that keep them from harm. But a significant minority report a range of problems.

About 20 percent of girls and 15 percent of boys, for example, said over the past year they had felt significantly depressed, lonely, sad, fearful, moody or had a poor appetite because of emotional distress.

Researchers said they were not sure why adolescents who work 20 hours or more a week are more likely to have problems. But Udry speculated that it may be because they are surrounded by an older group and "have more money to spend to get into trouble."

In its examination of schools, the study looked at attendance rates, parent involvement, dropout rates, teacher training, whether schools were public or private and whether teenagers feel close to their teachers and if they perceive other students as prejudiced.

But only one of those—whether students felt close to their teachers—made a difference in helping teenagers avoid unhealthy behavior.

"Overriding classroom size, rules, all those structural things, the human element of the teacher making a human connection with kids is the bottom line," Blum said.

Mr. NICKLES. Madam President, I ask unanimous consent that a Repub-

lican policy paper entitled "President Clinton's Failing War on Drugs" be printed in the RECORD.

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

PRESIDENT CLINTON'S FAILING WAR ON DRUGS

Throughout the Clinton presidency, America has been witnessing increases in illegal drug use among our nation's younger generation. This sharp reversal from the steady progress made against illegal drug use throughout the 1980s and early 1990s is the inescapable result of the Clinton Administration's retreat in the war against drugs. The Clinton Administration has de-emphasized law enforcement and interdiction while relying heavily on drug treatment programs for hard-core drug abusers in the hopes of curbing drug usage. Result: backward momentum.

BACKWARD MOMENTUM FROM DAY ONE: DRUG ABUSE UNDER CLINTON

Two national annual surveys show that drug abuse by our nation's youth has continued to increase since President Clinton came to office. The most recently released Parents Resource Institute for Drug Education—the so called "PRIDE" survey—and the University of Michigan's "Monitoring the Future" both offer cause for alarm.

The Monitoring the Future Study reveals that illicit drug use among America's schoolchildren has consistently increased throughout the Clinton Administration:

For 8th graders, the proportion using any illicit drug in the prior 12 months has increased 56 percent since President Clinton's first year in office, and since 1993 it has increased 52 percent among 10th graders and 30 percent among 12th graders.

Marijuana use accounted for much of the overall increase in illicit drug use, continuing its strong resurgence. All measures of marijuana use showed an increase at all three grade levels monitored in 1996. Among 8th graders, use in the prior 12 months has increased 99 percent since 1993. President Clinton's first year in office. Among 10th graders, annual prevalence has increased 75 percent—and a full 121 percent increase from the record low in President Bush's last term in 1992. Among 12th graders it increased 38 percent since 1993.

Of particular concern, according to the survey, is the continuing rise in daily marijuana use. Nearly one in every twenty of today's high school seniors is a current daily marijuana user, and one in every thirty 10th graders uses daily. While only 1.5 percent of 8th graders use marijuana daily, that still represents a near doubling of the rate in 1996 alone.

The annual prevalence of LSD rose in all three grade levels in 1996. In short, since President Clinton assumed office, annual LSD use has increased 52 percent, 64 percent, and 29 percent among 8th, 10th, and 12th graders respectively. Hallucinogens other than LSD, taken as a class, continued gradual increases in 1996 at all three grade levels.

The use of cocaine in any form continued a gradual upward climb. Crack cocaine also continued a gradual upward climb among 8th and 10th graders. In short, since President Clinton assumed office, annual cocaine use is up 77 percent, 100 percent, and 49 percent among 8th, 10th, and 12th graders respectively.

The longer-term gradual rise in the use of amphetamine stimulants also continued at the 8th and 10th grade levels.

Since 1993, annual heroin usage has increased by 129 percent, 71 percent, and 100 percent for 8th, 10th, and 12th graders respectively. That is, for 8th and 12th graders, use

of heroin has at least doubled since Clinton first took office.

#### NOW IS NOT THE TIME TO TAKE A BACK SEAT

According to some experts, the age of first use is a critical indicator of the seriousness of the drug problem because early risk-taking behavior statistically correlates to riskier behavior later. For example, the Center on Addiction and Substance Abuse at Columbia University estimates that a young person who uses marijuana is 79 times more likely to go on to try cocaine than one who hasn't used marijuana.

The most current survey on drug use—the so called PRIDE survey—shows a continuing and alarming increase in drug abuse by young kids. While the increase in drug use among older students has remained flat this year, illegal drug use among 11 to 14 year-olds has continued on a dangerous upward path. According to the President of PRIDE, "Senior high drug use may have stalled, but it is stalled at the highest levels PRIDE has measured in ten years. Until we see sharp declines in use at all grade levels, there will be no reason to rejoice." With respect to younger students, the survey found that:

A full 11 percent of junior high students (grades 6-8) are monthly illicit drug users.

Junior high students reported significant increases in monthly use of marijuana, cocaine, uppers, downers, hallucinogens and heroin, specifically: Annual marijuana use increased 153 percent since Mr. Clinton's first year in office; cocaine use increased 88 percent since Mr. Clinton's first year in office; and hallucinogen use increased by 67 percent since Mr. Clinton's first year in office.

#### PRESIDENT CLINTON'S MISTAKEN PRIORITIES: FAILED ENFORCEMENT OF DRUG LAWS

A recent analysis by Robert E. Peterson, former drug czar for the state of Michigan, revealed:

In 1994, a person was more likely to receive a prison sentence for federal gambling, regulatory, motor carrier, immigration or perjury offense than for possessing crack, heroin, or other dangerous drugs under the federal system.

The time served for drug possession is less than half that of federal regulatory and tax offenses, less than a third that of mailing obscenity materials, and equivalent to migratory bird offense sentences.

In 1995, a federal trafficker could expect seven months less on average drug sentences than in 1992.

Possession of 128 pounds of cocaine, 128 pounds of marijuana, 3 pounds of heroin and/or 1.5 pounds of crack earned only eight months in prison. Six in ten of these federal criminals served no time at all in 1992.

The average federal sentence imposed for drug offenders increased by 37 percent from 1986-1991, but has declined 7 percent from 1991-1995.

#### RETURNING TO A SERIOUS STRATEGY

In 1993 the Clinton Administration promised to "reinvent our drug control programs" and "move beyond ideological debates." What that amounted to was de-emphasizing law enforcement and interdiction and expecting dividends from "treatment on demand." Two years later, a congressional leadership task force developed the principles for a coherent, national counter-drug policy and a five-point strategy for future action. The task force called for: Sound interdiction strategy; serious international commitment to the full range of counter-narcotic activities; effective enforcement of the nation's drug laws; united full-front commitment towards prevention and education; and accountable and effective treatment with a commitment to learn from our nation's religious institutions.

Illegal drug use endangers our children and our economy and disproportionately harms the poor, yet President Clinton has accumulated a record of callous apathy. America cannot afford a "sound bite" war on drugs. Only a serious commitment to enforcement and interdiction efforts will produce results.

Mr. NICKLES. Madam President, I ask unanimous consent that the list of questions that I have alluded to in my comments, the 10 questions focusing in on reviewing the tobacco settlement, be printed in the RECORD at this point.

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

ASSISTANT MAJORITY LEADER,  
U.S. SENATE,  
*Washington, DC, November 6, 1997.*

To: Committee chairmen.

From: Senator Nickles.

Re Ten questions to focus on in reviewing tobacco settlement.

(1) What works best to reduce teen smoking? What sort of government-run programs, if any, work to reduce teen smoking? If there are some that work, is it best they be designed and run at the Federal level, or the state level? In addition, are there other things we can do to help parents and families create the conditions that support a child in his or her vulnerable years, that encourage a child not to start smoking or experiment with drugs?

(2) Should we increase the per-pack price; by how much; and how should we do it? Should the funding mechanism be an increase in taxes, or an industry-coordinated price increase? Does Federal action bar States from moving on their own to increase their tobacco taxes, if they so choose?

(3) Who gets the money? Should the payments contemplated under the global agreement go directly to the states, go directly to caregivers who treat patients, or be collected and disbursed by the Federal government in existing programs such as Medicaid or Medicare—or should we create a whole new set of programs? Is it appropriate to give billions of dollars to advocacy and interest groups?

(4) How are we to treat this in the Federal budget? Should the deal be on or off budget? Should any new spending be subject to the existing discretionary spending caps and pay-as-you-go rules? Should tobacco industry payments and/or penalties be deductible as ordinary business expenses, subject to capitalization as assets, or simply non-deductible?

(5) What are the implications for States? Should anything agreed to by Congress and the President, or entered into by the tobacco companies voluntarily, pre-empt State laws or regulations that may be more stringent? Should Federal action rewrite state laws on liability and immunity, or remove pending tobacco cases from state courts to Federal courts? How are states supposed to reconfigure their budget and health programs, and how much money, if any, are they supposed to give to Washington? Does the agreement treat States equitably?

(6) What's an appropriate anti-trust exemption for tobacco companies? How large an anti-trust exemption should be granted to the tobacco companies to operate in concert to execute some of the requirements of the agreement?

(7) How far should we go on liability and immunity? Is it constitutional, or fair, to eliminate individuals' rights to class-action lawsuits and punitive damages? Are the level of payments, fines and penalties an appropriate trade-off for the industry receiving legal protection in the future? What precedent does this set for other liability issues facing Congress?

(8) What new powers should be given to the FDA? How much authority, if any, should Congress grant to the FDA to regulate, or ban, nicotine, or control advertising and sales?

(9) How should we take care of those directly hurt by the deal? Under the agreement, farmers will see demand for their product decline. Machine vendors are put out of business. Retailers are required to remodel their stores to put cigarettes out of sight. If a global deal is to be implemented, what is the fairest way to take care of these people?

(10) What did the deal leave out that needs to be included? Negotiators left out dealing with drugs, tobacco farmers, immense fees paid to a few lawyers—but what else wasn't thought of that the majority on our committees believe is important? And what, if any, unintended consequences will occur? For example, if tobacco usage does decline, as advocates of the agreement insist, then possibly money paid under the agreement might decline too. Who, then, would pay for all these new initiatives?

Mr. NICKLES. Madam President, I yield the floor.

#### FOREIGN OPERATIONS

Mr. GRAMS. Madam President, I rise to talk a little bit today about how I am extremely disappointed that the House passed the foreign operations conference report without the provisions of the State Department authorization bill attached to it.

While the foreign operations bill does many positive things, its failure to include language to reorganize our foreign relations bureaucracy and establish benchmarks for the payment of U.N. arrears seriously flaws this bill.

The proposals to reorganize our foreign policy apparatus and to attach the payment of U.S. arrears to U.N. reforms had been carefully worked out over many months.

Unfortunately, my colleagues in the House of Representatives are holding these provisions hostage to the Mexico City policy. While I am a strong supporter of the Mexico City policy, I believe that debate on this issue should not hold up the important United States and U.N. foreign policy reforms.

Now, if the State Department authorization bill dies in the House, the House has lost the Mexico City policy debate, and the only victory they can claim is that they have given the United Nations new money for the United States assessments, but with no reform strings attached, and they block a reorganization of our foreign policy apparatus that we have pursued for more than four years.

That isn't a record they should regard with pride.

As chairman of the International Organization Subcommittee, I worked hard to help forge a solid, bipartisan United Nations reform package. The Senate's message in crafting this legislation is simple and straightforward:

The United States can help make the United Nations a more effective, more