

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

efficient, and financially sounder organization, but only if the United Nations and other member states, in return, are willing to finally become accountable to the American taxpayers.

The reforms proposed by the United States are critical to ensure the United Nations is effective and relevant. We must reform the United Nations now and the United States has the responsibility to play a major role in this effort.

If we do nothing, and the United Nations collapses under its own weight, then we will have only ourselves to blame. So I urge my colleagues to act now, or this window of opportunity may be lost for achieving true reform at the United Nations.

But passing this U.N. package is not just about a series of reforms for the future. It impacts directly on the credibility of the U.S. mission at the United Nations right now.

Ambassador Richardson has been pushing other member states to accept the reforms in this package in return for the payment of arrears. Now that package will not arrive.

At this critical juncture, when the United Nations is facing down Saddam Hussein, and the United States is trying to keep the gulf war coalition unified, it is reckless for the House of Representatives to do anything that would undercut the negotiating position of Ambassador Richardson and Secretary of State Albright at the United Nations. And believe me, the failure to pass this legislation will have a negative impact on the conduct of our foreign policy.

Madam President, the United States does not owe most of these arrears to the United Nations. It owes them to our allies, like France, for reimbursement for peacekeeping expenses.

Under normal circumstances, I am the last one who could be expected to make a pitch for funding for France. But considering that France is one of the members on the Security Council that is going soft on Iraq—soft on Saddam Hussein—depriving the United States Government the ability to use these funds as leverage is irresponsible. After all, our diplomats need carrots as well as sticks to achieve our foreign policy goals.

Madam President, I am hopeful that my colleagues in the House will see the wisdom of adopting measures that will enhance America's ability to exert leadership in the international arena through the consolidation of our foreign relations apparatus and the revitalization of the United Nations.

The State Department authorization bill should be allowed to pass or fail on its own merit—not on the merits of the Mexico City policy. This agreement is in America's best interest, and the best interest of the entire international community.

Madam President, I yield the floor.

I see no other Senators wishing to speak, so I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMENICI. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. DOMENICI. Madam President, is there an order operative at this moment?

The PRESIDING OFFICER. The Senate is in morning business until 4 p.m.

Mr. DOMENICI. Are the times limited on speeches?

The PRESIDING OFFICER. The special order provides for 10 minutes for each Senator to speak.

Mr. DOMENICI. I yield myself the 10 minutes that I am allowed.

#### THE ANNUAL BUDGETING PROCESS

Mr. DOMENICI. Madam President, I want to talk a little bit about what a joyous day of wrap-up of the Senate in the first year of the 2-year Congress could be if, as a matter of fact, we left here after completing the appropriations bills and went about our business to go home to our home States, had a good Christmas season, worked with all of our constituents, and then came back next year, the second year of a Congress, and the appropriations were already done and the budget was already done. But that is not going to happen.

We just finished appropriations, I assume we will hear shortly. And what has taken up the entire year? I don't have the statistics. But early next year I will put them in the RECORD. But I am just going to ask the Senators who have a little recollection of the year to just think about what we did.

First of all, we worked diligently on a balanced budget. That didn't occur until late May and early June. I am trying mightily to think what was accomplished before that, thankfully. I wish I had a better memory. But I don't think we did a lot. A few bills here and there, but I am sure we didn't have any superb oversight.

People are all waiting for what? For the budget. And then for what? All the appropriations bills that have to come after it. Oh, by the way, in between, we had to implement the budget with those two big reconciliation bills.

So essentially we stand on the threshold of wrapping up the Congress for a year, and we start next year. We are going to anxiously await the President's budget—another 1-year budget. Would it have been better for America, for the U.S. Congress, for all the agencies that are funded, from NIH to some grant to a university, to our Armed Forces, and all the money that they have to spend if they could have a 2-year appropriation? Wouldn't we be better off, in a 2-year Congress—that is what we are, by the Constitution—if in 1 year we did all of the budgeting and all of the appropriations?

I have been working on budgets and appropriations bills long enough to know that there are all kinds of reasons for not doing 2-year budgets. I am an appropriator who thinks we should have a 2-year budget. Maybe many of the appropriators think we are better off sending our little measures to the President every year, and maybe we get more that way.

Just look at the 2-year appropriations. You get 2 years in there because we do 2-year appropriations bills. If you are worried about getting enough things in it, you can do it twice, even as we appropriate only one time for 2 years. But I don't think there is a great majority who are worried about that. I think we just are fearful to break with tradition. Somehow or another we have been appropriating every year.

Then when we wrote the Budget Act not too long ago, we said, "Well, we have to have a budget every year."

So what do we do? We do that. It is almost like we get started next year, and we are right back at the budget, which many people think we just finished. Sure enough, in the middle of the year, some appropriators will start looking at their bills, and sure enough, we will be back here, predictably—if not at this time a little later—and we will still have two or three appropriations bills that we can't get completed. Why? Because they are being held up by authorization riders that are very, very much in contention.

I ask, wouldn't we be better off if we had that kind of argument, be it on the money that we now refer to as the "Mexican issue" with reference to birth control and the kinds of family planning that we put money into foreign countries for, wouldn't we be better off if we voted on that only once every 2 years? It would have exactly the same effect. In fact, we could fight just one time out of 2 years. We could send these little bills back and forth between the President and the Congress with these little 1-day extensions of Government. We could do that only 1 year out of 2, and everybody could make the same vote. Everybody could make their case in the same way. But who would gain?

I believe the institution known as the U.S. Senate and the U.S. House of Representatives would gain immensely. In fact, might I suggest that what it means to be a U.S. Senator would be dramatically changed if we had 2-year appropriations, a 2-year budgeting, because, if we did these every 2 years, we would be able to have oversight and see what is happening to the programs that we fund and the programs that we put in motion through the process called authorization.

Then, Madam President and fellow Senators and anybody interested in good government, we have not yet been able to encapsulate into our thinking what the executive branch of Government wastes by having to produce a budget every single year with budget hearings at the OMB, with people who