

lawsuits and negotiations. Good luck with your amendment and thank you for your efforts.

Sincerely,

JEREMIAH W. (JAY) NIXON,  
*Attorney General.*

Mr. LAUTENBERG. Mr. President, if the product liability bill passes in its current form, the tobacco industry will get what it wants, and the American public will receive nothing in return. As reported out of the Commerce Committee, the product liability bill will cap punitive damages and eliminate joint and several liability in tobacco liability cases. This would be another sweetheart deal for big tobacco, and it would undercut the state attorneys' general. This is unacceptable. And what will America lose if we don't pass my amendment? Mr. President, I say perhaps millions of lives.

The tobacco industry is on the verge of agreeing to stop marketing to American children, to stop lying and hiding the truth from the American public, to commit to actual target numbers for reduction of teen smoking, to subject themselves to appropriate regulation by the Food and Drug Administration and to back real reforms that will put teeth into laws that prohibit the sale of cigarettes to kids. Do we in Congress want to throw that away forever? Do we want to give big tobacco the green light to continue seducing and addicting our children? I certainly hope not.

Mr. President, that is why it is critical that we pass my amendment, which would exempt tobacco products from the restrictions on liability covered by the product liability bill. Regardless of how any Senator feels about the overall goals of the product liability bill, exempting tobacco is the right thing to do. We should not sell out our Nation's public health to the tobacco lobby. Congress should not provide the tobacco industry with a back door deal through the product liability bill. To prevent this from happening, we must attach my amendment.

Mr. President, some of my colleagues might ask: "Why should we give tobacco litigation a carve-out from the restrictions of this bill?" The answer is simple and rather straightforward: The tobacco industry is unlike any other American industry. No other industry in this country kills over 400,000 Americans each year. No other industry has conspired to deviously addict children to its product. No other industry has submitted such highly questionable testimony to Congress and the courts. Is this Congress prepared to undercut unprecedented public health programs and give the tobacco industry the sweetheart deal they have been dreaming of? Is Congress going to bail out the industry once again? The American people won't tolerate it.

Mr. President, this Senator will do everything I can to prevent that from happening. I ask my colleagues to join me in support of this effort to remove tobacco litigation from the restrictions of the product liability legislation. It

is the right thing to do for the public health, for our State's highest law enforcement officials, and most important, for our kids.

#### AUTHORITY FOR COMMITTEES TO MEET

##### COMMITTEE ON ARMED SERVICES

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet in executive session to markup S. 450, the National Defense Authorization Act for Fiscal Years 1998 and 1999.

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

##### COMMITTEE ON FOREIGN RELATIONS

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, June 12, 1997, at 2 p.m. to hold a markup/business meeting.

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

##### COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. LOTT. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Thursday, June 12, at 4 p.m. for a business meeting.

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

#### ADDITIONAL STATEMENTS

##### REAR ADM. AUDREY F. MANLEY

• Mr. FRIST. Mr. President, I rise today to recognize and honor the Deputy Surgeon General and Acting Surgeon General of the U.S. Public Health Service [USPHS], Rear Adm. Audrey F. Manley, as she retires upon completion of more than 20 years of faithful service to our Nation on July 1, 1997.

Upon her retirement Rear Admiral Manley will be leaving both the positions of Deputy Surgeon General, which she has held since February 1994, and Acting Surgeon General, which she has held concurrently since January 1995. She has served in each of these capacities with dedication and distinction as a principal Federal health advisor to the Nation on public health matters; advisor to the Assistant Secretary for Health on policy matters pertaining to the USPHS; and leader for approximately 6,200 active duty members of the Commissioned Corps of the USPHS.

Rear Admiral Manley, a native of Jackson, MS, graduated from Spelman College in Atlanta, GA. She received her medical education at Meharry Medical College in Nashville, TN, and was awarded a master of public health degree from Johns Hopkins University School of Hygiene and Public Health. Her training includes an internship at St. Mary Mercy Hospital in Gary, IN, a residency at Cook County Children's Hospital in Chicago, IL, and various fellowship, research, and teaching experiences. She has also held positions

on the faculties of several medical schools.

Rear Admiral Manley became a member of the Commissioned Corps in 1976. Included among her many assignments are Director of Genetic Services, Bureau of Maternal and Child Health, Deputy Associate Administrator for Planning, Evaluation, and Legislation, and Associate Administrator for Clinical Affairs, Health Resources and Services Administration [HRSA]. In 1987, she was appointed Director of the National Health Service Corps, a HRSA component that furnishes primary health care providers to medically underserved communities throughout the country. In 1989, Rear Admiral Manley became the Principal Deputy Assistant Secretary for Health, working with the Assistant Secretary in providing leadership and support across the full spectrum of PHS policy and operational issues. She assisted in directing the eight agencies of the USPHS with a combined budget of \$22 billion and 45,000 employees. She was designated Acting Assistant Secretary for Health from January 1993 to July 1993. In July 1993, prior to assuming her current responsibilities, Rear Admiral Manley was named Deputy Assistant Secretary for Intergovernmental Affairs, where she was responsible for 10 PHS Regional Offices and the Office of Emergency Preparedness. In this role she was the principal PHS officer responsible for coordinating the USPHS response to Hurricanes Andrew and Inikki, and Typhoon Omar; the Mississippi flood of 1993; the Los Angeles civil unrest (1991) and the Northridge earthquake of 1994.

Rear Admiral Manley's awards as a member of the Commissioned Corps include the PHS Meritorious Service Medal, the PHS Commendation Medal, the PHS Unit Commendation Award, the Surgeon General's Exemplary Service Medal, the PHS Distinguished Service Medal, and the Hildrus Poindexter Award. She has also received numerous honors and awards from a wide variety of outside organizations.

Mr. President, Rear Admiral Manley has truly been a great credit to the Commissioned Corps and the Public Health Service throughout her career. I know that my colleagues are personally aware of her dedicated service to her country, especially during the 2-years plus in which she provided critical leadership as the Nation's Acting Surgeon General. It gives me great pleasure to recognize Rear Adm. Audrey F. Manley and, along with my colleagues, to wish her a fond farewell as she concludes a distinguished career in the Commissioned Corps of the U.S. Public Health Service and assumes duties as the next president of Spelman College. •

#### EMPLOYMENT NON-DISCRIMINATION ACT

• Mrs. MURRAY. Mr. President, I am very pleased to join with my colleagues

as an original cosponsor of the Employment Nondiscrimination Act of 1997. I speak as a strong supporter of this legislation, because I have always believed that every single American deserves fair treatment under the law no matter their gender, race, religion, or sexual orientation.

As one of only a few women to ever serve in the U.S. Senate, and the first ever from Washington State, I understand what it means to be part of a group that seeks fairness and equal opportunity. I have never advocated for any special protection or special class, just equal treatment and protection under the law.

Not long ago, many thought it would be impossible for women to serve in the Senate, much less elected office of any kind. It was felt that this was not a suitable occupation for a woman and that by simply being a woman, meant you were incapable of meeting the demands of the job. It was alleged that women would take offense to the unpleasant world of politics and that the presence of women would somehow jeopardize the work done in the U.S. Congress. While these statements may seem impossible to believe today, they do illustrate what many women faced. However, these stereotypes were overcome, and I am confident that none of my colleagues today would deny the tremendous contributions women have made here, in the House, in State and local government, and at every level of public service.

People suffer when stereotypes based on fear or ignorance are used to justify discrimination. I do not believe elected leaders serve our country well if they deny any citizen equal opportunities and equal treatment under the law. A person's success or failure must depend on their qualifications, skills, efforts, and even luck. But, no one should be denied opportunities because of their race, gender, religion, or sexual orientation.

I am continually disappointed when I hear about cases of economic discrimination based solely on one's sexual orientation. It defies logic that in today's society any employer could refuse to hire an individual, deny them equal pay, or professional advancement and subject them to harassment simply because of their sexual orientation. We have a proud history of ensuring basic civil rights for all Americans. We have enacted landmark legislation that seeks to guarantee equal opportunity, but we have failed to ensure that these protections are extended to all Americans. The Employment Nondiscrimination Act will correct this wrong.

As we would all agree, discrimination based on race, gender, ethnic origin, or religion is not just unfair, but illegal as well. ENDA would simply add sexual orientation to this list. It is written even more narrowly than current law, because it does not allow positive corrective actions such as quotas or other preferential treatment. All it says, is a person cannot be treated differently in

any decision related to employment, based on their sexuality—whether they are heterosexual or homosexual. Mr. President, this is a reasonable expectation and in fact it has been adopted by nine States, many local governments across the country, and many Fortune 500 companies, who recognize that it simply makes good business sense to value each and every one of their employees equally. It is time our laws reflect these values as well.

To my colleagues who believe this bill would result in increased litigation, I would ask these questions: Should we then have denied women equal rights, because it would have increased the number of cases in our courts? Should we have allowed segregation to continue because of the threat of litigation? Did the Framers of our Constitution think about caseloads in our courts when they guaranteed religious freedom?

My answer to these questions is a strong, clear "no", and I am surprised at the arguments against this legislation. They sound hauntingly familiar to the ones we have heard in the past against allowing women, the disabled, religious members, and racial groups equal protection under the law and equal economic opportunity.

Mr. President, this is not about one group's protection at another's expense. It is about common sense, common decency and about our fundamental values as Americans.

To quote former Senator Barry Goldwater, "anybody who cares about real moral values understands that this is not about granting special rights, it is about protecting basic rights."

In the last Congress, we came within one vote of adopting this important, bipartisan legislation. I urge my colleagues to support this measure so that we can continue our proud tradition of protecting basic civil rights and opportunity for all Americans. If we do not pass this bill, our sisters and brothers, sons and daughters will remain vulnerable to discrimination. We can do better than that.●

#### TRIBUTE TO MORTIMER CAPLIN

● Mr. WARNER. Mr. President, as a former student and longtime friend of Mr. Mortimer Caplin, I rise today to honor him as a dedicated professor of law at the University of Virginia as well as for his service to the United States. He is well known to the Members of the Senate for his expert counsel in the field of tax law, and is known to people everywhere as a man of the highest integrity and deepest commitment to public service. Mr. President, I ask that you join me in recognizing the invaluable contributions of Mr. Caplin by submitting for the RECORD the following remarks made by his son, Michael Caplin, on the occasion of the naming of the Mortimer Caplin Pavilion at the University of Virginia.

The remarks follow:

DEDICATION OF THE MORTIMER CAPLIN PAVILION  
AT THE UNIVERSITY OF VIRGINIA LAW SCHOOL,  
MAY 3, 1997

(By Michael Caplin)

On a cold winter day in 1932, Daniel Caplin drove his only son Mortimer from New York City to central Virginia to visit family friends. If truth be told, Mortimer didn't really want to go, and joined the expedition under protest.

By the time they reached Charlottesville, a light snow had gently draped the town and the University grounds in a sparkling blanket of white. Like everyone who has ever seen that wondrous sight, Mortimer Caplin was completely enchanted.

They stayed the night, and fate bumped them into a childhood friend then enrolled at the University. He took them both to Pi Lambda Phi, where a warm fraternal welcome made the young man feel very much at home. On they went to watch the mighty U.Va. boxing team successfully defend its honor before an adoring crowd of 5,000 packed into Memorial Gym. Mortimer Caplin was captivated by the fierce pride, the superior sportsmanship, and the magical presence of Thomas Jefferson.

Thus began what is now a sixty-five year relationship which has enriched them both. He enrolled in the college and then the law school, and immersed himself in every aspect of campus life—arts, athletics, scholarship, and student government. Here he learned many lessons and skills with which he fashioned a life of stunning achievement. For that he is profoundly grateful. And, like Mr. Jefferson, Mr. Caplin believes that there is a debt of service due from every man to the community which has enriched him. It's a debt he is proud to repay.

He does so by serving our University as a committed teacher, and a distinguished and devoted alumnus. Mr. Caplin also serves on the Law School Foundation, as Chair of the University Council for the arts, and, formerly, as a member of the University Board of Visitors. Most recently, he is Captain of the Law School's bold \$100 million fund raising campaign.

When I heard about that campaign, I asked my father if he could honestly say that the world really needed more lawyers. Without a moment's hesitation, he replied with complete innocence, "The world will always need more Virginia lawyers."

That's how he feels about this special place, and that is why he continues to serve our University with unflagging enthusiasm and energy. He always has and always will do whatever he can to preserve and strengthen his most important institution.

Commitment and service of this caliber are very special. My father is a very special person and a very special role model. He is a quiet giant of a human being—a great man who does everything, truly everything, with modest excellence, impeccable integrity, fairness, generosity, and an innocent steadfast faith in the character and value of all people.

Like his father, our Grandpa Dan Caplin, he lives life, attacks it with gusto, and finds joy in everything he does. He laughs with children, chats with strangers, and gives help to anyone in need. He rejoices at the sweet smell of spring, and celebrates the glory of theater, art, and dance. His energy and enthusiasm are boundless.

You may know him for his scholarly articles, his learned discourse, and his many contributions to our government, our society, and our school. You should also know him for the funny games he plays with his grandchildren, lying on the floor, sharing their fantasy babble. That, too, he does with fervor and flair.