

flew to the Moon, and now we splice genes? That all comes from education.

This education system of ours is not perfect. Through public education in America, we have decided there will be universal opportunity for all children and our obligation is to maintain a public school system to provide that opportunity for all. In our public schools in this country, we have about 53 million students who went to school this morning, 53 million children in kindergarten through high school, and that number is going to continue to increase. Our challenge is to have education policies that invest in our schools to make sure those children are attending good schools.

When they walk through the door of a school, we want to make certain children have a good learning environment. Yet we have crumbling schools across this country. I have spoken on the floor at length about some Indian schools I have visited that no one in this Chamber would want their children to attend, but there is not enough money to invest in fixing these crumbling schools. What are we doing to attract and retain the best teachers? Do we have enough money to do that?

Some say these things are too expensive. Yet in the Senate we have folks saying, although we cannot increase education funding, we have enough resources to provide a \$792 billion tax cut over 10 years. That is our priority, they say. But we do not have enough money to fund this Federal investment in education. In fact, what has happened is that the \$792 billion tax cut is only possible if we put a squeeze on domestic discretionary spending that means there is not enough money to fund education.

My colleagues on Friday described the consequences of the Republican actions. The Republican budget allocation for education, which is 17 percent lower than the 1999 levels, would provide 5,246 fewer new qualified teachers, 50,000 students would be denied after-school and summer school programs, 142,000 children denied access to Head Start, 100,000 students denied Pell grant awards, and the list goes on because there is not adequate funding to do that.

Some of us believe there are certain obligations we have to maintain a strong public education system. To do that, we have put forward a proposal that does not cost very much but that would allow the refurbishing and remodeling of 6,000 public schools nationwide. Many of these schools across the country were built after the second world war and many of them are in desperate need of modernization and repair. This is a need not currently being met, and we have proposed a method to meet it. Helping local communities to reduce class sizes by being able to hire more teachers, ensuring teachers get the professional development they need to stay on top of their subject matter, increased funding for special education, and providing 1 million more

children with access to constructive afterschool programs—all of these are important ingredients for developing a public education system we can be proud of and one that continues to work.

There is a big difference in these proposals and what those on the other side of the aisle have proposed. I am proud to be part of a political party that has always viewed education and investment in this country's children as a priority. There are some people serving in the Senate who have said let's abolish the Federal Department of Education. They have stopped actively trying to do that because they know it is massively unpopular with the American people and so we do not hear much from them anymore. But that is what they believe; that is what they would like to do. They have a right to that belief. I respect that, but I disagree with it profoundly because this country's future progress and opportunities rest on our ability to educate our future, our young children. It is our responsibility to educate our children in good schools with good teachers in classrooms that are safe.

I hope that, when we vote on the education resolutions before us this evening and when we continue to discuss this issue in the days ahead, we might reach a consensus among everyone in this Chamber that education ought to be the engine driving the budget train. It ought not be the caboose on this appropriations train, it should be the lead car. Education ought not be dealt with as an afterthought. It ought to be the priority for this Congress.

Mr. President, I yield the floor. I make a point of order a quorum is not present.

The PRESIDING OFFICER (Mr. VOINOVICH). The clerk will call the roll.

The legislative clerk called the roll.

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

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

#### FAMILY FARMERS AND THE TRADE DEFICIT

Mr. DORGAN. Mr. President, I want to take some time to talk about a couple of items that are related to the desperate crisis facing America's family farmers. One, what the conference committee on Agriculture Appropriations, of which I am a member, is doing—or, as is more accurate, not doing—to help them. Second, I want to talk to the issue of the burgeoning growing trade deficit.

I will talk for a moment about the Agriculture appropriations bill which is now in conference between the Senate and the House. I am a conferee. The Senate passed its version of that bill and included roughly \$7.4 billion in emergency help for family farmers because prices have collapsed and farmers are in desperate trouble. We passed that on August 4.

Weeks and weeks went by and nothing happened. No conference. No meetings. Then last week, those of us who are conferees met with the House of Representatives. Then the Chair called an adjournment. The Members of the House called an adjournment, and we have not met since. Nearly a week later, and there has been no meeting since.

Why? They are all hung up on the House side of the conference with respect to the question of whether we should retain embargoes on food and medicine.

The answer to that is simple: Of course not. Of course we should not retain any embargoes on food and medicine. That is what the Senate said. By a vote of 70, the Senate said let us stop using food as a weapon.

We have used food as a weapon against Cuba, Iran, Iraq, North Korea—you name it. We have embargoes. I do not have any problems with embargoes against countries that are behaving badly, but the embargo should not include food. Why would you want to include food and medicine in embargoes that hurt the poor folks around the globe, the people who need the food and medicine?

I have always maintained that when we put an embargo on food shipments anywhere in the world, it is the equivalent of shooting ourselves in the foot. When you do it for 40 years, it is almost unforgivable. It is one thing to shoot yourself in the foot; it is another thing to take aim, hit it, and then brag about it. That has been the policy.

The Senate, by 70 votes, said: No more; we are going to break the back of food embargoes; we are going to stop using food as a weapon; over; finished; done.

We went to conference, and the House of Representatives said: No, we want to continue using food as a weapon in some circumstances. The result is, we have not even been meeting in that conference, and the emergency help that is needed for family farmers around this country is not getting done because the conference is not meeting.

Hurricane Floyd roared up the east coast, and I am told that there are over 100,000 hogs floating belly up dead in floodwaters, along with a million chickens, untold heads of cattle and horses. There are crops underwater, devastated, and gone. The folks down in that region who were so badly hurt by Hurricane Floyd are flat on their backs wondering how they are going to get through this. How they will get through it depends on this Congress deciding whether it will extend a helping hand saying: When a natural disaster strikes, we want to help you.

Other farmers in my home state were flooded out this spring. Over three million acres of farmland did not get planted early this spring, and family farmers who did get acres planted have discovered that if they got a crop, it was, in many cases, a bad crop with sprout damage. If they got a good crop

and hauled it to the elevator, they were told by the grain market their crop was not worth anything because prices had collapsed.

The bill before the conference committee is a bill that provides from the Senate side, not the House side, emergency help for collapsed prices and disaster relief for the massive loss of livestock and for prevented planting. All of those issues are critical for family farmers. If this does not get done, we will have family farmers going belly up in record rates in the next couple of months.

It is unfathomable to me that we have this interminable delay in something that is so urgent. There wasn't a delay in passing a \$792 billion tax cut that we could not afford, spending \$792 billion in tax breaks over 10 years based on the premise that we might have surpluses in the future. We do not have surpluses yet. All we have are projections by economists.

Nobody knows what is going to happen in the future, but we are told to expect surpluses for 10 years. So before the first real surplus exists, we have folks rushing to the Senate Chamber to cut nearly \$800 billion in taxes. There was an urgency to do that, a real urgency. We had to get it done immediately. But, of course, on the issue of providing disaster relief to family farmers, there is not quite the urgency, at least not for some.

There is a crisis in farm country. This deserves a response now. The conference ought to be meeting. We ought to pass emergency relief. We ought to pass disaster relief. We ought to extend a helping hand to farmers of this country to say: You matter. We care and want to help you get through these tough times.

Let me turn to the other issue that is related to the family farm crisis, the trade deficit. Last week, we heard from the Department of Commerce. We see in the newspapers that the trade deficit has gone up once again to a record high of \$25.2 billion last month alone.

What does that have to do with farmers? It means we are selling less overseas than we used to. We are importing much more from other countries.

Here is an example of what is happening with our trade deficit with Canada. Mr. President, on this chart, 1998 is in blue; 1999 is in red. There was nearly a doubling of the trade deficit with Canada in one year, a dramatic increase in the trade deficit with Mexico, and a dramatic increase in the trade deficit with the European Union. Of course, these are much lower than the trade deficits that exist with China and Japan. We have huge trade deficits with China and Japan.

In addition to all of this, our family farmers in North Dakota who are hurting so badly are suffering from a massive quantity of durum wheat being shipped into our country, in my judgment illegally, by the Canadians. Last year saw the largest amount of durum wheat imports, and in the first 6

months of this year, the level of imports is 80 percent above that.

What is being done about all of this? Senator BYRD, Senator STEVENS, and I and others were able to establish a Trade Deficit Review Commission last year. That Commission is now meeting to make recommendations on the trade deficit. Otherwise, this matter has met with eerie silence. We do not hear anything from the administration. We do not hear anything from Congress about this issue.

This is a very serious issue that could easily undermine this country's economic growth. We have to do something about it, and we have to do something now. One of the things we ought to do is expect this administration to stand up and take action against unfair trade, which is part of this. I will show you what they have done.

We have a trade dispute with Europe, and the trade dispute actually is about a couple of things. One is beef, which is legitimate. The second is bananas. We do not produce bananas in the United States. We have American corporations that get bananas from the Caribbean and want to ship them to Europe. Europe does not want the Caribbean bananas, so we have a trade dispute on behalf of American corporations that are shipping to Europe something we do not produce. So we are right and they are wrong. On the merits we are right.

It is always surprising to me. We fight so hard over bananas. How about durum wheat? Durum wheat deals with semolina flour. Semolina flour is made into pasta. When you eat pasta, you are eating something from the wheat fields, often in North Dakota. What about standing up for those producers? We stand up for banana producers in the Caribbean. What about standing up for wheat producers?

What have we done now? We have done nothing about the unfair trade from Canada, but we have taken tough action against the Europeans with respect to the banana and beef hormones cases. We said to the Europeans: You better watch it. We're going to take action against you on Roquefort cheese. That is tough. You whip somebody with Roquefort cheese. You can have a big fight.

Or even better, we are going to take action against your Roquefort cheese and chilled truffles. That is strong action. This is going to scare the devil out of the Europeans.

Do you know what else we are going to do? We have decided we are going to take action against goose livers. If that does not scare the Europeans, it will at least scare the geese. Goose livers, chilled truffles, Roquefort cheese—and finally tough action against animal bladders. That is not all. There are some regular things as well.

If we are going to get tough on trade—and I have been waiting for this a long time—maybe we can get tough on durum wheat. But, no, not us, not our trade ambassador. We get tough on

goose livers. Maybe I missed the point. Maybe everybody in the world will miss the point.

If we can't stand up and insist on fair trade, on open markets overseas—and, yes, on fair trade at home, to be sure—if we can't do that, this country will never get this trade deficit under control.

The trade deficit is huge and growing. Almost everyone understands that it is dangerous. It is unsustainable. It will inevitably result in a weakened dollar and higher interest rates and less economic growth. This country must get a handle on the trade deficit.

I have sent a letter to President Clinton once again and said to the President: If this trade ambassador is not willing to take action against the Canadians, replace the trade ambassador. The Canadians are just one issue. Replace the trade ambassador if she will not take action.

This ambassador has the authority to self-initiate a trade complaint, and ought to do so. If the failure to do so at USTR is due to the ambassador, get an ambassador who will.

We are willing to get tough with the European over bananas—that we do not produce here.

Forgive me for being cynical. Forgive me for wondering if there is some common sense around here. How about standing up for things that matter in a way that says to our trading partners: This country demands action. This country demands open markets. This country demands fair trade. This country demands a stop to dumping in our marketplace. This country demands an end to unfair trade at secret prices by State trading enterprises that would not be legal in this country.

How does this relate to farmers? As I said before, family farmers must find a foreign home for much of what they produce. Regrettably, our trade policy has now produced very large trade deficits for two reasons. One is because foreign markets have evaporated, dried up, been reduced in size.

It is true that no one in the Congress or the administration caused the Asian crisis. I understand that. Yet there are other problems—the failure to enforce fundamental trade laws, the failure to enforce NAFTA, the negotiation of incompetent trade agreements; and then the failure to even live up to those incompetent agreements. This is not, in my judgment, something that we should be expecting from our trade representatives.

Mr. President, I know my colleague from Utah is seeking recognition. How much time remains, if I might inquire?

The PRESIDING OFFICER. Six minutes 51 seconds.

Mr. DORGAN. Let me take about 2 or 3 additional minutes. I know my colleague has things he would like to say to the Senate, as well.

Let me conclude by saying this. I regret coming to the floor and talking in these terms about the trade ambassador's office or about the administration. I think the trade strategy of this

Congress is abysmal, to the extent we have one—and I guess largely we do not because you do not hear anybody talking about a trade strategy except myself and a couple others.

It is this Congress that passed NAFTA. It is this Congress that passed the United States-Canada Free Trade Agreement. It is this Congress that passed the WTO. I didn't vote for any one of the three. But we helped cause these problems, and we ought to help solve them.

This administration has a responsibility, and so does this Congress. And this Congress bears responsibility for the farm policy, the underlying farm policy that relates in some part to this trade policy that is such a significant failure.

Our President has been very helpful in trying to push for a disaster and emergency package that will be helpful to family farmers, to save them from catastrophe, the catastrophe of collapsed prices.

How would anyone in this Chamber, how would anyone in this country like to do business when someone says to you: By the way, your income is going to be changed this year. You say: How is that? And they say: You are going to receive depression-era income. We are going to adjust your income to depression levels.

That is what has happened to family farmers. How many here would like to lose 40, 60, or 80 percent of your income and be told that is the way the market system works? It is not the way it works in a country that cares about producing on the land with a network of family farms.

Europe does not do that. Europe has 7.5 million farms. And it says: We want you to stay on the farms because we want to have a healthy rural system in our country, with small towns that are thriving and family farms that are making a living.

That happens in Europe. It happens because they have public policy that demands it. This country does not have comparable public policy. I hope that it will someday soon.

This Congress must create that public policy. This President will lead in that direction. That is what he believes. This President is strong on those issues. I criticize this administration on trade. On farm policy, this administration has been very helpful.

It is this Congress that is dragging its feet. As a member of the conference committee, I hope very much that we will soon get back to work on an emergency and a disaster package to respond to the desperate needs of family farmers.

I also hope this administration will take action, aggressive action, to deal with these trade problems. I hope the administration and Congress will understand the gravity of the trade deficit and the gravity that the unsustainable increase in our current account deficit poses to this country's economy.

Mr. President, I thank the Senator from Utah for his courtesy.

I yield the floor.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I thank my colleague for his kindness.

#### FEDERAL TOBACCO LAWSUIT

Mr. HATCH. Mr. President, never in my years of service to the people of Utah and this country have I witnessed an administration more inclined to twist, deform, or ignore, the rule of law than the Clinton administration. The past 7 years are replete with exploits of legal manipulation. Indeed, the legacy of the administration may prove to be that its most significant exploits—infamous or otherwise—were accomplished by warping the law for blatant political purposes. Here are just a few of the most notorious examples: Attorney General Reno both misapplied and ignored the Independent Counsel Act in order to prevent the appointment of an independent counsel in the campaign finance investigation; the 1996 election fundraising scandal where soft money prohibitions were ignored and foreign donations were illegally and eagerly accepted; fundraising from the White House—it was deplorable the Escalante Proclamation, where a huge chunk of Southern Utah was effectively annexed by the Federal government without any prior consultation with Utah officials, to my knowledge—certainly not any elected officials; the misuse of FBI files by the White House—the myriad proclamations of Executive Orders as a vehicle to skirt the authority of Congress; and just to mention one more, the violation of the Vacancies Act to hold in office individuals lacking Senate confirmation.

This list does not even include the myriad events, dissemblance, and contempt for the law and our courts, which brought us the impeachment.

Given this record, I must confess that I wasn't shocked to learn that the Department of Justice may have misled Congress in sworn testimony and then filed suit against the tobacco industry.

Last Wednesday, the Department of Justice filed in Federal district court a multibillion dollar suit against the tobacco industry seeking recoupment of losses to Federal health care programs. After reviewing the 131-page complaint, I have serious reservations concerning several key counts in the complaint. Moreover, I am skeptical of the entire lawsuit.

It is well known around here that I am no friend of tobacco use, nor an apologist for the tobacco industry. Indeed, I have never used tobacco products in my life and am opposed to tobacco use. I never inhaled or chewed tobacco.

Along with my cosponsor, Senator FEINSTEIN, I worked hard last Congress to pass legislation that would have

gone a long way in helping Americans to kick the habit and in reducing teen smoking. The legislation required the tobacco companies to pay over \$400 billion to settle existing lawsuits—\$429 billion, to be more accurate. In return for the settlement of these lawsuits, the companies would have stopped targeting children and would have funded smoking cessation efforts.

While this measure has yet to pass, I strongly believe that the fairest and most effective solution to the use of tobacco is omnibus legislation such as the Hatch-Feinstein bill rather than relying upon legally dubious lawsuits. Litigation cannot effectively deal with important public policy problems, such as what measures the industry must take to reduce youth smoking or what effect will rising prices have on the black market for cigarettes.

Given my skepticism about the administration's fidelity to the rule of law, I have several questions concerning the Federal lawsuit. The first question I have is, What is the administration's motivation here? It has been reported that many attorneys at the Department of Justice opposed filing of a lawsuit because the Federal Government did not possess a valid cause of action or claim against the tobacco companies.

Indeed, Attorney General Reno, at the April 30, 1997, hearing before the Judiciary Committee, testified that no Federal cause of action existed for both Federal Medicare and Medicaid claims. I disagree with the assertion made by David Ogden, Acting Assistant Attorney General for the Civil Division and the current nominee for that post, that Attorney General Reno was referring only to State actions. Ms. Reno's contention that no Federal cause of action existed was made clearly in response to a question by Senator KENNEDY, who asked whether the Federal Government could recoup both Medicare and Medicaid payments.

It was only after President Clinton, in his State of the Union Address in January, called for a suit against the tobacco industry that the Department of Justice changed its tune and, presto, announced that a legitimate cause of action may exist.

I have been criticized in the past for saying that the politically minded and partisan White House, and not the Attorney General, is in reality running the Department of Justice. In the case of the Federal tobacco litigation, it appears once more that the White House is directing the activities of the Department of Justice for political ends. This lawsuit is a horrible precedent that, if it continues, will erode the liberty of the American people. Here again, the rule of law is apparently being replaced by the rule of the politically correct and expedient.

I urge my colleagues to read the fine story appearing in last Friday's Wall Street Journal entitled "Justice Reverses: Lobbying Effort Wins Turnabout On Tobacco Suit."