

Oklahoma Conservative Committee, Petroleum Marketers Association of America, Republican National Hispanic Assembly, Reynolds Metal Company, Small Business Survival Committee, Small Business United of Texas, South Carolina Association of Taxpayers, South Carolina Chamber of Commerce, Southern Nevada Central Labor Council, Standard Commercial Tobacco, Inc., Tavern League of Wisconsin, Tax Foundation, Texas Association of Business & Chambers of Commerce, Texas Citizens for a Sound Economy, Texas Food Industry Association, United Food & Commercial Workers, United States Chamber of Commerce, United States Hispanic Chamber of Commerce, Universal Leaf Tobacco Company, Virginia Tobacco Growers Association, Washington Legal Foundation, Westvaco, Wisconsin Manufacturers & Commerce, Wisconsin Merchants Federation, Congressman Robin Hayes.

Mr. HATCH. Mr. President, if we are going to solve this problem of tobacco, we need to face the music in Congress. We need to pass legislation that will solve it. One reason why the Hatch-Feinstein legislation would have worked is because we believe as high as it was, at \$429 billion, the tobacco companies reluctantly would have had to agree with it. Therefore, we could have imposed the free speech articles on them that would have prohibited them from advertising, while at the same time causing them to have to advertise in a way that would help our youth to understand the evils of tobacco. That, we believed, should be done. I still believe that should be done. It was so fouled up in the last Congress that we were unable to get that done.

So I am concerned about the misuse of the law, to be able to punish any industry that whoever is presiding in the Federal Government decides they are against. I think it is a travesty of justice, and even though I don't like tobacco and I have never used the products, and even though I think something certainly needs to be done in this area, you don't do it by abusing the process of law, which I think this administration has repeatedly done, time after time after time. I think, as history views what has gone on in this administration, it is going to have to come to the conclusion that this is an administration that has not been dedicated to the rule of law, while it has been triumphantly pushing the rule of law upon other nations, hoping they could have something like we have in this country.

The fact of the matter is, it is hypocrisy, pure and simple. I am very concerned that if we allow our Justice Department to continue to act in this fashion, we are going to reap the whirlwind in this country and there will be no business that would be safe from the all mighty power of the Federal Government. There is one thing worse than big tobacco and that is an unrestrained big government. That is what this lawsuit is all about. It is a voracious desire to get money in an industry that should be gotten, but in a reasonably legal way, basically through legislation.

I hope everybody will look at this lawsuit for what it is. I hope the courts will dismiss it so we can get about legislating and doing what we should to resolve the problems about tobacco use and misuse in our country.

I yield the floor.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, are we currently in morning business?

The PRESIDING OFFICER. We are in morning business.

Mr. CRAIG. I thank the Chair. I ask unanimous consent that, following my remarks, Senator DOMENICI may have 10 minutes to speak.

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

GOVERNMENT RUN AMOK

Mr. CRAIG. Mr. President, let me also join with the Senator from Utah for what I think he spoke very clearly about: the run amok of Government and the idea that we are going to craft public policy through the courts of our land. I believe that is the fundamental responsibility of the Congress, both the House and the Senate. Yet we have seen this administration and the trial lawyer community of this country decide that. First, it is tobacco. They are going to tell the world how to think and then tell the States and the Federal Government what the policy ought to look like. Now they are turning on the gun manufacturers. I don't care where you stand on the issue of guns. What is wrong in this country is to suggest that trial attorneys will meet in the dark of night to decide what group they are going to take on next, amass their wealth for the purpose of making hundreds of millions more, and then turn to the Congress and say, now that we have made these findings, go legislate a policy. I don't believe that is the essence of the foundation of our representative Republic.

VALUE OF PUBLIC LANDS

Mr. CRAIG. Mr. President, I came to the floor today to speak about an event which happened this past Saturday that in many States across the Nation went relatively unnoticed. It was National Public Lands Day. It was a time for all Americans to recognize the value we have in our public lands and a time for all of us to give a little something back by volunteering a Saturday to lend a helping hand to improve our public lands.

If you were out and about, you noticed volunteers both in this city on some of our parkways and across the area. But across the Nation, over 20,000 volunteers took some of their precious time. We all know that weekend time in a busy populace is a precious time and, by taking it, they performed over \$1 million worth of improvements to our public lands—from helping construct to simply cleaning up and picking up.

In recognition of National Public Lands Day, I want to spend a few minutes today reflecting on the value of our public lands and on what the future holds for them.

There are about 650 million acres of public lands in the United States. They represent a vast portion of the total land mass of our continent. However, most of these lands are concentrated in the West. Coming from Idaho, I recognize that very clearly. There are some States where over 82 percent of that State's land mass is public. In my State of Idaho, it is nearly 63 percent of the entire geography that is owned, managed, and controlled by the Federal Government, or by the citizens of this country.

There can be a great beneficial effect for our public lands, for all of us. For starters, there are a great many resources available on our public lands—from our renewable forests to the opportunities to raise cattle on them, to drilling for oil, to mining for minerals from the surface. And the subsurface of our public lands holds a great deal of resources. We all depend on it for our lives. Without question, our public lands have been the treasure chest of the great wealth of our Nation.

Many of our resources have come from the utilization of the resource of the public land. Having these resources available has afforded not only the opportunities I have spoken to but it has clearly advanced some of our governmental services because most of those resources reap a benefit to the Treasury, and from the Treasury to our schools, our roads, and our national defense. All of these resources and their revenues have helped ease the tax burden on the average taxpayer.

Not only are the taxpayers of our country rightfully the owners of that public land, but we, the Government, and all of us as citizens are beneficiaries of those resources.

Just as important though is the recreational opportunity and the environment that our public lands offer. Every day, people hike and pack in the solitude of our wilderness areas, climb rocks, ski, camp, snowmobile, use their off-road vehicles, hunt, fish, picnic, boat, and swim—the list goes on and on of the level of recreation and expectations we have coming from our public land.

Because the lands are owned by all of us, the opportunity has existed for everyone to use the land within reasonable limits. Certainly our responsibility as a policymaker—as I am, and as are all Senators—in shaping the use of these lands, I am hopeful that this year Republicans and Democrats in the Senate can work together to pass balanced legislation that corrects the abuses by both debtors and creditors in the bankruptcy system.

But this partisan attempt to prematurely cut off debate before we even started to consider this bill does not bode well for that effort.

I hope that once this cloture motion is defeated, the Senate will begin a reasonable and fair debate on bankruptcy reform legislation that reflects a balancing of rights between debtors and creditors.

Those public lands have been a historic and primary responsibility of the Congress itself. However, in the last couple of decades several changes have occurred.

We are in the midst of a slow and methodical attack on our very access as individuals to the public land itself. It started with the resources industries. That was the restrictive nature or the change in public policy that limited access by our resource industries and how they might use the land. Some would say, well, that is merely important for the preservation of the land. But what we have also seen is an ever increasing attitude to keep people—just simple people who want to hike or backpack, to have access to that land—off the land or in some way control their very character on the land.

Some radical groups are fighting to halt all resource management on our public lands, and they are working to restrict, as I have mentioned, the elemental human access to those lands. On the Targhee National Forest in Idaho, the Forest Service tore up the land to keep people off. I was out touring that forest and came upon over 300 huge gouges in roads that had been contracted by the Forest Service to stop access to the land. It was all in the name of an endangered species. But at the same time, if that kind of damage or destruction had occurred at the hands of a mining company or a logging company, the owners of those companies would have been in court. Here it was merely the forest land saying, oh, well, this huge tank trap or gouge in the road to stop traffic was our way of protecting the land. I am not sure who was the protector in that instance.

Additionally, we are seeing the implementation of dramatic changes in the philosophy of the public's access to our Forest Service from openness to an element of closeness. At the time when Gifford Pinchot convinced Teddy Roosevelt to remove forested lands from the public preserve and make them forested preserves, the concept was that these lands were open. While they were protected, to be utilized for forest and to be maintained for water quality and wildlife habitat, always the people could have access.

Slowly but surely, there has been a change in that attitude. That attitude has dramatically shifted to one in which the Forest Service would now suggest to you that our U.S. forests are closed to the public unless designated open. Gifford Pinchot would roll over in his grave as not only one of our Nation's great conservationists but one of the great advocates for forested reserves. The reason he would is that he said: If you do not associate the people to their land, ultimately the land be-

comes the king's land, much like feudal Europe in which the forests were the King's and the serf could not tread on that land unless given express permission by the King.

When the forest is closed—and that is what is being talked about today, and in many instances the chief of the U.S. Forest Service, Chief Dombeck, who is an advocate of this philosophy, "closed unless designated open"—then where do you go to gain permission to access your public lands? You go to the Government. In essence, you go to the King. You go to the ruler.

I don't think that is what Americans want. While Americans may differ on how they want their public land managed and for what reason they want it managed, there is one thing I doubt any of us would argue about, and that is that the Federal Government should not have the absolute right to tell our citizens who may or may not tread upon these lands.

All of us should be outraged by a Forest Service attitude that it is their land and they control it and they will give permission, they will be the implementors of policy in a way that will determine who is locked off the land. That, in my opinion, appears to be their agenda.

That very forest in Idaho I told you about, where large tank traps appeared in the public roads, just in their new forest plan they have changed the philosophy of the management to suggest that all roads are closed and, therefore, the forest is closed unless designated open.

Yes, we must manage our public lands responsibly, which includes restrictions on some activities and in some areas with the preservation of the land's environment. For the water quality, for the wildlife habitat, for all of those fundamental reasons, we enjoy our public land base. But we should not sit here so snidely as to suggest that a Federal agency has the right to say you may enter or you may not enter the land. Yet more and more forests and public lands of our country are now receiving those kinds of restrictions.

Some people like to hike in our back country, others like simply the peace and the solitude, while others prefer to ride ATVs in the woods. Some prefer to camp in a more developed facility, while others prefer primitive spots.

The point is, the recreational opportunities on our public lands should be as diverse as America's public interests. On the same note, we can use the natural resources we need in an environmentally responsible manner and still have plenty of opportunities to recreate. In fact, recreation and resource interests can team together to help each other.

In my own State of Idaho in the Clearwater National Forest we have seen a dramatic decline in our elk herds in large part because of a lack of habitat. This is a massive amount of public land. Yet by its management—

the suppression of wildfires, the inability of the Forest Service to manage using controlled burns but changing the habitat and the character of the land itself—one of the Nation's largest elk herds collapsed. In the winters of 1996 and 1997, thousands of elk starved to death simply by the mismanagement of our public lands by a Forest Service that would not seek the diversity of landscape that is so critically necessary to maintain those unique elk herds and the vibrancy of the land itself.

Rather than fight each other, elk conservation groups, the Forest Service, and the timber industry are coming together to develop a plan to mechanically thin some of the areas and use prescribed burns and others to treat nearly a million acres to increase elk habitat. Yet on the outside there are some conservation groups that say even thinning a tree is cutting a tree and should not be allowed. How absurd.

Why deny the right of good stewards to manage land in a way that creates diversity and balance so that Idaho can reclaim its heritage of having a large elk herd, and at the same time having more than 4 million acres of wilderness, and at the same time having a vibrant Forest Service products industry, while at the same time having growth within the State as one of its No. 1 economies tourism and recreation. That is a wise and balanced approach toward managing our public lands instead of this single attitude of "lock 'em out, preserve, and deny" the ability to manage public resources in a diverse and balanced way. We need all of our public lands to be used in a way that appeals to all of our citizens, not to just a single, relatively narrow-minded group.

Public land management, because of this, is now embroiled in fights, in appeals, in litigation. Every decision made by our public lands managers ends up in court, oftentimes fought out over weeks, months, and years. While all of that has been going on, the Congress of the United States has sat idly by and watched, simply hoping it would play itself out when, in fact, the fight seems to have intensified.

Differing interests have to come together to realize we all have one common goal: To use our land in a responsible manner, in a sustainable manner, in a balanced manner, in the kind of way that will meet most of our interests, and do so to assure a quality environment and an abundant wildlife habitat. I believe all of those things can be done.

Over the last several years, I have held over 50 hearings on the management of the U.S. Forest Service and why it can't make decisions, and when it does, why those decisions are in court. Why has it become largely the most dysfunctional agency of our Federal Government? Yet it has a phenomenally great legacy of appropriate management and responsible caretakership of the land.

As a result of that, I have introduced S. 1320, a comprehensive reform on the public land laws primarily governing the Forest Service but also reflecting on the BLM. However, until we all realize there is room for everyone on our public lands instead of just "lock 'em up and keep 'em out" solely in the name of the environment; that we can utilize our resources in a wise and sustainable manner; that we can continue to accept these lands in a way that offer a resource to our Treasury, along with a resource to our mind; then I think we will continue to be in litigation. Successful management of our public lands realizes a balanced approach, a diverse approach, and one that I think our country can take great comfort in the legacy of the past. In all fairness, we ought to be a bit embarrassed about our current situation.

Last Saturday was National Public Lands Day. It shouldn't be viewed as just one that talks about the quality of our parks and recreational areas. It should be reflective of the millions and millions of acres of public lands in my State and other Western States that by their own diversity assure an abundant resource, abundant revenue, and opportunities not only for recreational solitude but economic opportunity in the communities that reside on and near those public lands. I hope a lifetime from now our public lands will be as vibrant as they are today, but will be managed in a much more diverse and multiple-use way than it appears we are heading at this moment.

I yield the floor.

The PRESIDING OFFICER (Ms. COLLINS). Under the previous order the Senator from New Mexico is recognized.

TAXES

Mr. DOMENICI. Madam President, for the people of America who are interested in where we are on the tax cuts and the President's message regarding the veto, I thought I might share my version of what has happened.

First of all, the main reason the President has given for vetoing the tax bill is we need to take care of Social Security and Medicare first.

The question is, When will the American people ever get a tax cut? If we don't ask that question, we don't put anything in perspective as to where we are and where we will be.

I will share why I believe the tax cut was right and why I believe what the President is talking about is not right and will probably yield to no tax cut to the American people.

First, I might ask rhetorically, how long has the President been President? I guess he has been President almost 7 years. He will then have an eighth year. Whatever legacy he will leave the American people is close at hand. Why have we not solved Social Security in the 6 years and 9 months he has been President? But now that we have a sur-

plus, when we can give the American people a little piece of it in a tax cut, all of a sudden the President thinks we ought to save Social Security. Why didn't we save it last year or the year before?

Why didn't we save it after the President conducted hearings in three or four cities in America and said he understood it and he thought he knew what we ought to do and he sends a package. However, in terms of reform he does almost nothing and sets up a new fund to put in a piece of everybody's Social Security money, not in individual investment accounts but, in a new trust fund to be run by—whom? Seven or nine people; appointed by whom? The Government of the United States. Who believes the Government is going to manage the funds for Social Security in a way to make money and enhance the value of their pension plans? Who believes that? Hardly anyone.

Second, who believes we ought to have the Federal Government, with appointed people, investing billions and billions, maybe even trillions of dollars in the stock of America and in bonds in America, without being very concerned whether they will distort the market? Instead of being a free market with equities, loans and bonds, it will be a market controlled by what the Federal Government thinks? Just think of that, a year after it exists there will be somebody on the floor of this Senate saying: We should not invest any of that money from Social Security in cigarette companies. Boy, everyone will say, of course, we should do that. Then next year there will be a report that obesity comes from McDonald's and other companies that sell us quick-fix foods. So somebody will say: Why would we want to invest money in McDonald's? They add to obesity in America. Then, who knows what else? We will distort the American market.

Everybody who is thinking understands the President has not submitted anything credible on Social Security. Is it not interesting, there we are showing a \$3.4 trillion surplus over the next decade, \$2 trillion of which belongs to Social Security, and they will get it—but what about the rest of it? Should we sit around and wait to spend it? Or should we give some of it back in an orderly manner over a decade?

Mr. President, your concerns about Social Security and Medicare do not ring true. They come into existence when you do not want to give the American taxpayers a tax cut. That is why all of a sudden they come up. Now you have even indicated we might be able to get that done in a few weeks. Get what done? Fix Social Security and Medicare, which you have not been able to fix in almost 7 years in office? In a few weeks we can fix it so we can give the American people a tax cut?

Friends, you understand in a Republican budget there is a very large set-aside that is not spent on anything that can be used to repair Medicare.

The problem is the President does not have a plan into which anybody wants to buy. He sent us a plan to fix prescription drugs for a part of America that might need them under Medicare, and nobody likes his plan—Democrat or Republican. So why doesn't he sit down and talk seriously about fixing that?

A commission that was bipartisan, that came up with a reasonably good plan—bipartisan, bicameral, citizens and legislators—he caused that to be distorted and thrown away by asking his representatives to vote no when everybody else voted yes. Because we needed a supermajority, it failed by one vote. We had a plan.

If I were a senior, I would say: Madam President, it looks to me as if you do not want my children and my grandchildren to have a tax cut because you are trying to use as an excuse that we have to fix Medicare and Social Security when you do not need that money that is going in the tax cut to fix either of them. Why did it take him so long to fix them, if all of a sudden we must fix them in the next few weeks in order to get a tax cut?

Frankly, there are a lot of other reasons the President has given, but these are the ones that are politically aimed at America. If you read the polls, if you ask the question the wrong way, Americans will say: Fix Medicare and Social Security first. But if you said to them in a poll question: If we have sufficient money left over to give the American people a tax cut and we have enough money for Social Security and Medicare, would you want to give them a tax cut? watch the answer. The answer, instead of what they are quoting around, would be 85 percent. That happens to be the facts.

EDUCATION

Mr. DOMENICI. Madam President, I want to talk a little bit about education because somehow or another we have ourselves involved in competing resolutions about the funding of education when we do not know how much education is going to get funded because the appropriation bill has not been produced yet. If this were a court of law, the Daschle resolution would be dismissed as being premature. There is no issue yet. But we will have to debate it and vote on it. Before we are finished, the Appropriations Committee that handles Labor-Health and Human Services will produce a bill that is more consistent with the budget resolution than anything else.

Regardless of what it looked like 3 or 4 weeks ago, they are going to have sufficient resources. Remember, the President of the United States advance appropriated, in his function and in his budget, \$21 billion. We are going to do some of the same things because they are legitimate and proper. When you take that into consideration, frankly, the Daschle resolution is talking about a nonreality.