

EC-1863. A communication from the Director of the Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Standard Format and Content of License Termination Plans for Nuclear Power Reactors" (Guide 1.179) received on February 11, 1999; to the Committee on Environment and Public Works.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. MURKOWSKI:

S. 430. A bill to amend the Alaska Native Claims Settlement Act, to provide for a land exchange between the Secretary of Agriculture and the Kake Tribal Corporation, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. THURMOND:

S. 431. A bill to amend the Alcohol Beverage Labeling Act of 1988 to grant authority to the Secretary of Health and Human Services to carry out the Act, and for other purposes; to the Committee on Commerce, Science, and Transportation.

S. 432. A bill to amend the Internal Revenue Code of 1986 to increase the rate of tax on wine and to dedicate the resulting increased revenues to programs for the prevention and treatment of alcohol abuse; to the Committee on Finance.

S. 433. A bill to amend the Alcoholic Beverage Labeling Act of 1988 to prohibit additional statements and representations relating to alcoholic beverages and health, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BREAU (for himself, Mr. BRYAN, Mr. DORGAN, and Mr. FRIST):

S. 434. A bill to amend the Internal Revenue Code of 1986 to simplify the method of payment of taxes on distilled spirits; to the Committee on Finance.

By Mr. ENZI (for himself and Mr. THOMAS):

S. 435. A bill to amend the Internal Revenue Code of 1986 to allow the Secretary of the Treasury to waive the contemporaneous substantiation requirement for deduction of charitable contributions in certain cases; to the Committee on Finance.

By Mr. HELMS:

S. 436. A bill for the relief of Augusto Segovia and Maria Segovia, husband and wife, and their children; to the Committee on the Judiciary.

By Mr. REID (for himself and Mr. BRYAN):

S. 437. A bill to designate the United States courthouse under construction at 338 Las Vegas Boulevard South in Las Vegas, Nevada, as the "Lloyd D. George United States Courthouse"; to the Committee on Environment and Public Works.

By Mr. BURNS (for himself and Mr. BAUCUS):

S. 438. A bill to provide for the settlement of the water rights claims of the Chippewa Cree Tribe of the Rocky Boy's Reservation, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BRYAN:

S. 439. A bill to amend the National Forest and Public Lands of Nevada Enhancement Act of 1988 to adjust the boundary of the Toiyabe National Forest, Nevada; to the Committee on Energy and Natural Resources.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. COLLINS (for herself, Mr. INOUE, Mr. NICKLES, Mr. ROTH, Mr. FRIST, Mr. JEFFORDS, Mr. ROCKEFELLER, Mr. TORRICELLI, Mr. KERRY, Mr. DEWINE, Mr. COVERDELL, Mr. VOINOVICH, Mr. SHELBY, Mr. HELMS, Mr. ROBB, Mr. CLELAND, Mr. CONRAD, Mr. DASCHLE, Mr. GRASSLEY, Mr. ABRAHAM, Mr. AKAKA, Mr. ALLARD, Mr. BAUCUS, Mr. BROWNBACK, Mr. BRYAN, Mr. CHAFFEE, Mr. CRAIG, Mr. DODD, Mr. DOMENICI, Mr. ENZI, Mr. FEINGOLD, Mr. FITZGERALD, Mr. GORTON, Mr. GRAMM, Mr. GREGG, Ms. LANDRIEU, Mr. STEVENS, Mr. THURMOND, Mr. WELLSTONE, Mr. SPECTER, Mr. ASHCROFT, Mr. DURBIN, Mr. WARNER, Mr. HAGEL, Mr. REID, Mr. INHOFE, Mrs. BOXER, Mr. BIDEN, Mr. GRAMS, Mr. LOTT, Mr. KENNEDY, Mr. SESSIONS, Mr. LAUTENBERG, Ms. SNOWE, Mr. WYDEN, Mr. HATCH, Mr. CRAPO, and Mrs. LINCOLN):

S. Con. Res. 12. A concurrent resolution requesting that the United States Postal Service issue a commemorative postage stamp honoring the 100th anniversary of the founding of the Veterans of Foreign Wars of the United States; to the Committee on Governmental Affairs.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MURKOWSKI:

S. 430. A bill to amend the Alaska Native Claims Settlement Act, to provide for a land exchange between the Secretary of Agriculture and the Kake Tribal Corporation, and for other purposes; to the Committee on Energy and Natural Resources.

### KAKE TRIBAL CORPORATION PUBLIC INTEREST LAND EXCHANGE ACT

• Mr. MURKOWSKI. Mr. President, today I rise to introduce the second of two bills of which passed the Senate last year with unanimous consent. The first bill which was introduced on February 12, 1999, amends the Alaska Native Claims Settlement Act (ANCSA), to provide for a land exchange between the Secretary of Agriculture and the Huna Totem Corporation, a village corporation created under that Act. The second bill provides for a similar land exchange between the Secretary and the Kake Tribal Corporation. Both of these bills will allow the Kake Tribal and Huna Totem Corporations to convey land needed as municipal watersheds in their surrounding communities to the Secretary in exchange for other Forest Service lands.

Enactment of these bills will meet two objectives. First, the two corporations will finally be able to fully recognize the economic benefits promised to them under ANCSA. Second, the watersheds that supply the communities of Hoonah, Alaska and Kake, Alaska will be protected in order to provide safe water for those communities.

The legislation I offer today clarifies several issues that were raised during

the Committee hearings and mark-up last year. First, the legislation directs that the subsurface estates owned by Sealaska Corporation in the Huna and Kake exchange lands are exchanged for similar subsurface estates in the conveyed Forest Service lands. Second the substitute clarifies that these exchanges are to be done on an equal value basis. Both the Secretary of Agriculture and the corporations insisted on this provision. I believe this is critical, Mr. President, because both these bills provide that any timber derived from the newly acquired Corporation lands be processed in-state, a requirement that does not currently exist on the watershed lands the corporations are exchanging. Therefore, if this exchange simply were done on an acre-for-acre basis it is likely that the acreage the corporations are exchanging, without any timber export restrictions, would have a much higher value than what they would get in return. It is for this reason that these exchanges will not be done on an acre-for-acre basis. If it ends up that either party has to receive additional compensation, either in additional lands or in cash to equalize the value, then it is my hope this will be done in an expeditious way to allow the exchange to move forward within the times specified in the legislation.

I believe these two pieces of legislation are in the best interest of the native corporations, the Alaska communities where the watersheds are located, and the Federal government. It is my intention to try and pass these bills out of the Senate Energy and Natural Resources Committee at the earliest opportunity.

Mr. President, I ask that the text of the bills be printed in the RECORD.

The bill follows:

S. 430

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the "Kake Tribal Corporation Public Interest Land Exchange Act".

### SEC. 2. AMENDMENT OF SETTLEMENT ACT.

The Alaska Native Claims Settlement Act (Public Law 92-203, December 18, 1971, 85 Stat. 688, 43 U.S.C. 1601 et seq.), as amended, is further amended by adding at the end thereof:

### "SEC. . KAKE TRIBAL CORPORATION LAND EXCHANGE.

"(a) GENERAL.—In exchange for lands and interests therein described in subsection (b), the Secretary of Agriculture shall, subject to valid existing rights, convey to the Kake Tribal Corporation the surface estate and to Sealaska Corporation the subsurface estate of the Federal land identified by Kake Tribal Corporation pursuant to subsection (c): Lands exchanged pursuant to this section shall be on the basis of equal value.

"(b) The surface estate to be conveyed by Kake Tribal Corporation and the subsurface estate to be conveyed by Sealaska Corporation to the Secretary of Agriculture are the municipal watershed lands as shown on the map dated September 1, 1997, and labeled Attachment A, and are further described as follows:

MUNICIPAL WATERSHED  
COPPER RIVER MERIDIAN  
T56S, R72E

Section	Approximate acres
13 .....	82
23 .....	118
24 .....	635
25 .....	640
26 .....	346
34 .....	9
35 .....	349
36 .....	248
Approximate total .....	2,427

“(c) Within ninety (90) days of the receipt by the United States of the conveyances of the surface estate and the subsurface estate described in subsection (b), Kake Tribal Corporation shall be entitled to identify lands in the Hamilton Bay and Saginaw Bay areas, as depicted on the maps dated September 1, 1997, and labeled Attachments B and C. Kake Tribal Corporation shall notify the Secretary of Agriculture in writing which lands Kake Tribal Corporation has identified.

“(d) TIMING OF CONVEYANCE AND VALUATION.—The conveyance mandated by subsection (a) by the Secretary of Agriculture shall occur within ninety (90) days after the list of identified lands is submitted by Kake Tribal Corporation pursuant to subsection (c).

“(e) MANAGEMENT OF WATERSHED.—The Secretary of Agriculture shall enter into a Memorandum of Agreement with the City of Kake, Alaska, to provide for management of the municipal watershed.

“(f) TIMBER MANUFACTURING; EXPORT RESTRICTION.—Notwithstanding any other provision of law, timber harvested from land conveyed to Kake Tribal Corporation under this section shall not be exported as unprocessed logs from Alaska, nor may Kake Tribal Corporation sell, trade, exchange, substitute, or otherwise convey that timber to any person for the purpose of exporting that timber from the State of Alaska.

“(g) RELATION TO OTHER REQUIREMENTS.—The land conveyed to Kake Tribal Corporation and Sealaska Corporation under this section shall be considered, for all purposes, land conveyed under the Alaska Native Claims Settlement Act.

“(h) MAPS.—The maps referred to in this section shall be maintained on file in the Office of the Chief, United States Forest Service, and in the Office of the Secretary of the Interior, Washington, D.C. The acreage cited in this section is approximate, and if there is any discrepancy between cited acreage and the land depicted on the specified maps, the maps shall control. The maps do not constitute an attempt by the United States to convey State or private land.●

By Mr. THURMOND:

S. 431. A bill to amend the Alcohol Beverage Labeling Act of 1988 to grant authority to the Secretary of Health and Human Services to carry out the Act, and for other purposes; to the Committee on Commerce, Science, and Transportation.

ALCOHOLIC BEVERAGE LABELING ACT OF 1999

By Mr. THURMOND:

S. 432. A bill to amend the Internal Revenue Code of 1986 to increase the rate of tax on wine and to dedicate the resulting increased revenues to programs for the prevention and treatment of alcohol abuse; to the Committee on Finance.

THE ALCOHOL ABUSE, PREVENTION AND  
TREATMENT TRUST FUND ACT OF 1999

By Mr. THURMOND:

S. 433. A bill to amend the Alcoholic Beverage Labeling Act of 1988 to prohibit additional statements and representations relating to alcoholic beverages and health, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE ALCOHOLIC BEVERAGE LABEL  
PRESERVATION ACT OF 1999

Mr. THURMOND. Mr. President, I rise today to address an important national health concern. On February 5, 1999, the Department of Treasury and the Bureau of Alcohol, Tobacco and Firearms approved two new health statements for wine labels. This decision, in my opinion, was irresponsible and constitutes poor public policy.

Alcohol abuse is a serious problem in our country. For years, drunk driving, underage drinking, drinking during pregnancy, and alcoholism have had devastating effects on the health and safety of our citizens. During the 1980s, I was proud to be part of a national public health campaign that resulted in congressionally mandated alcohol container warning labels.

Since the implementation of these warning labels, the wine industry has been determined to undermine their effectiveness. Through a vigorous lobbying and marketing campaign, the wine industry has enticed the public with the assurance that alcohol consumption is healthy. A recent New York Times editorial by Michael Massing provides an insightful summary of the wine industries' irresponsible efforts to manipulate public policy toward this end. I ask unanimous consent that the text of that editorial be printed in the CONGRESSIONAL RECORD at the conclusion of my remarks.

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

(See Exhibit 1)

Mr. THURMOND. Mr. President, unfortunately, the wine industry may already have had ironic success in its campaign. According to a recent study by the Centers for Disease Control and Prevention, four times as many pregnant women frequently consumed alcohol in 1995 than did in 1991. The study attributes reports about the so-called health benefits of moderate wine consumption as a cause for this terrible increase.

The decision by Treasury and A.T.F. to approve new health claims labels will escalate the problems of alcohol abuse. Last week, several big liquor firms signaled an intent to attach health-benefits labels to bottles of liquor. The alcohol industry's veiled attempt to use health claims as a marketing scheme has gone on long enough. And the passive complicity of Treasury and A.T.F. is unacceptable. Today I am introducing three bills that will address this public health dilemma.

The first bill, the Alcoholic Beverage Labeling Act of 1999, will transfer authority over alcoholic beverage labeling from the Department of Treasury to the Department of Health and

Human Services. Treasury and A.T.F. proved themselves incapable of managing the responsibility of alcohol labeling when they decided to favor the aggressive lobbying tactics of the wine industry over the public health concerns of such groups as the Center for Science in the Public Interest, the American Medical Association, the American Cancer Society, and the American Heart Association. The issues of public health and labeling require a level of experience and expertise that Treasury and A.T.F. apparently do not possess. My legislation will give the labeling authority to the Department of Health and Human Services and its subsidiary the Food and Drug Administration which have more experience in these matters.

The second bill I am introducing, The Alcohol Abuse, Prevention and Treatment Trust Fund Act of 1999, will create a trust fund dedicated to programs for the prevention and treatment of alcohol related problems and will be paid for by a new tax on wine. Wine is currently taxed at a rate slightly lower than beer and significantly lower than distilled spirits. Distilled spirits are taxed more heavily than beer because, according to the Congressional Research Service, more affluent taxpayers drink distilled spirits while working class taxpayers drink beer. Like distilled spirits, wine is consumed by more prosperous taxpayers, so it is reasonable that wine should be taxed at a rate similar to distilled spirits.

The revenue generated by this tax will be used specifically for the prevention and treatment of alcohol related problems such as heart disease and birth defects. Funds will also be used to address problems caused by moderate alcohol consumption, such as breast cancer and hypertension.

For many years the tobacco industry deceived the public about the consequences of smoking. It appears as if the wine industry is following the lead of the tobacco industry. Rather than wait for the long term repercussions of an alcohol health benefits campaign, we should take action now to thwart its inevitable effects.

The third and final bill I am introducing today, the Alcoholic Beverage Label Preservation Act of 1999, will block the use of the two new health claims labels approved by Treasury and A.T.F.

I urge my colleagues to review these important pieces of legislation and support passage.

Mr. President, I ask unanimous consent that the text of all three bills be printed in the CONGRESSIONAL RECORD at the conclusion of my remarks. I also ask unanimous consent that the text of an article by the Marin Institute, which provides helpful background information on this subject, be printed in the CONGRESSIONAL RECORD.

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

## EXHIBIT 1

[From the New York Times, Feb. 9, 1999]

## WINE'S UNFORTUNATE NEW LABELS

(By Michael Massing)

The Government's announcement on Friday that it would allow the wine industry to use bottle labels that mention the "health effects of wine consumption" exemplifies what is wrong with the political process in Washington.

In making the label decision, the Treasury Department's Bureau of Alcohol, Tobacco and Firearms drew on a growing body of scientific research showing that moderate alcohol consumption can reduce the risk of heart disease in some people. Yet the new labels were vigorously opposed by an array of medical and public health groups, including the American Cancer Society, the American Medical Association, the American Heart Association and the Center for Science in the Public Interest (as well as Senators Strom Thurmond and Robert Byrd), on the grounds that the labels would simply encourage more people to drink and would drive moderate drinkers to drink more heavily, with potentially steep medical and social costs.

That the Federal bureau would override such concerns is testimony to the political clout of the wine industry. Its lobbying arm, the Wine Institute, has an annual budget of more than \$6 million, a staff of two dozen at its headquarters in San Francisco, satellite offices in seven other cities and lobbyists in more than 40 states. Its Washington office is headed by Robert Koch, who is a former staff director for Representative Richard Gephardt (as well as being George Bush's son-in-law).

The Wine Institute's president, John DeLuca, had made approval of the new labels a priority for several years. Mobilizing the industry's many supporters in Congress (who include virtually the entire California delegation), Mr. DeLuca succeeded first in softening the warnings about alcohol consumption in the Federal Government's Dietary Guidelines.

Building on that, he mounted a campaign to persuade the bureau—long a handmaiden to the alcohol industry—to approve new labels referring to the health benefits of wine. The bureau would not go that far, but it did approve language that will undoubtedly help to boost sales. "To learn the health effects of wine consumption, send for the Federal Government's Dietary Guidelines for Americans," one label will read, giving an address at the Agriculture Department.

Public health groups protested that such a move would undermine years of patient efforts to raise awareness of alcohol abuse, one of the nation's biggest health problems. But they could not match the wine industry's political and financial resources, and so the vintners' narrow commercial interests won out. In the end, perhaps a limited number of moderate drinkers will benefit, but for the general public the risks—in terms of increased alcoholism, drunk driving and birth defects—seem far greater.

In the coming months, when you pick up a bottle of merlot or chardonnay bearing a label urging you "to consult your family doctor about the health effects of wine consumption," take it as a sign of how unhealthy our political process has become.

S. 431

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Alcoholic Beverage Labeling Act of 1999".

**SEC. 2. AUTHORITY OF SECRETARY OF HEALTH AND HUMAN SERVICES.**

Section 203(9) of the Alcoholic Beverage Labeling Act of 1988 (27 U.S.C. 214(9)) is

amended by striking "Secretary of the Treasury" and inserting "Secretary of Health and Human Services".

**SEC. 3. TRANSFER OF FUNCTIONS AND SAVINGS PROVISIONS.**

(a) **DEFINITIONS.**—For purposes of this section, unless otherwise provided or indicated by the context—

(1) the term "Federal agency" has the meaning given the term "agency" by section 551(1) of title 5, United States Code;

(2) the term "function" means any duty, obligation, power, authority, responsibility, right, privilege, activity, or program; and

(3) the term "office" includes any office, administration, agency, institute, unit, organizational entity, or component thereof.

(b) **TRANSFER OF FUNCTIONS.**—There are transferred to the Department of Health and Human Services all functions that the Secretary of the Treasury exercised before the effective date of this section (including all related functions of any officer or employee of the Department of the Treasury) relating to the Alcoholic Beverage Labeling Act of 1988 (27 U.S.C. 213 et seq.).

(c) **DETERMINATIONS OF CERTAIN FUNCTIONS BY THE OFFICE OF MANAGEMENT AND BUDGET.**—If necessary, the Office of Management and Budget shall make any determination of the functions that are transferred under subsection (b).

(d) **TRANSFER AND ALLOCATIONS OF APPROPRIATIONS AND PERSONNEL.**—Except as otherwise provided in this section, the personnel employed in connection with, and the assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, used, held, arising from, available to, or to be made available in connection with the functions transferred by this section, subject to section 1531 of title 31, United States Code, shall be transferred to the Department of Health and Human Services. Unexpended funds transferred pursuant to this subsection shall be used only for the purposes for which the funds were originally authorized and appropriated.

(e) **INCIDENTAL TRANSFERS.**—The Director of the Office of Management and Budget, at such time or times as the Director shall provide, may make such determinations as may be necessary with regard to the functions transferred by this section, and make such additional incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, used, held, arising from, available to, or to be made available in connection with such functions, as may be necessary to carry out this section. The Director of the Office of Management and Budget shall provide for the termination of the affairs of all entities terminated by this section and for such further measures and dispositions as may be necessary to effectuate the objectives of this section.

(f) **EFFECT ON PERSONNEL.**—

(1) **IN GENERAL.**—Except as otherwise provided by this section, the transfer pursuant to this section of full-time personnel (except special Government employees) and part-time personnel holding permanent positions shall not cause any such employee to be separated or reduced in grade or compensation for 1 year after the date of transfer of such employee under this section.

(2) **EXECUTIVE SCHEDULE POSITIONS.**—Except as otherwise provided in this section, any person who, on the day before the effective date of this section, held a position compensated in accordance with the Executive Schedule prescribed in chapter 53 of title 5, United States Code, and who, without a break in service, is appointed in the Depart-

ment of Health and Human Services to a position having duties comparable to the duties performed immediately before such appointment shall continue to be compensated in such new position at not less than the rate provided for such previous position, for the duration of the service of such person in such new position.

(3) **TERMINATION OF CERTAIN POSITIONS.**—Positions whose incumbents are appointed by the President, by and with the advice and consent of the Senate, the functions of which are transferred by this section, shall terminate on the effective date of this section.

(g) **SAVINGS PROVISIONS.**—

(1) **CONTINUING EFFECT OF LEGAL DOCUMENTS.**—All orders, determinations, rules, regulations, permits, agreements, grants, contracts, certificates, licenses, registrations, privileges, and other administrative actions—

(A) that have been issued, made, granted, or allowed to become effective by the President, any Federal agency or official of a Federal agency, or by a court of competent jurisdiction, in the performance of functions that are transferred under this section; and

(B) that were in effect before the effective date of this section, or were final before the effective date of this section and are to become effective on or after the effective date of this section;

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Secretary of Health and Human Services or other authorized official, a court of competent jurisdiction, or by operation of law.

(2) **PROCEEDINGS NOT AFFECTED.**—

(A) **IN GENERAL.**—This section shall not affect any proceedings, including notices of proposed rulemaking, or any application for any license, permit, certificate, or financial assistance pending before the Department of the Treasury on the effective date of this section, with respect to functions transferred by this section.

(B) **CONTINUATION.**—Such proceedings and applications shall be continued. Orders shall be issued in such proceedings, appeals shall be taken from the orders, and payments shall be made pursuant to the orders, as if this section had not been enacted, and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, set aside, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law.

(C) **CONSTRUCTION.**—Nothing in this paragraph shall be construed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this section had not been enacted.

(3) **SUITS NOT AFFECTED.**—This section shall not affect suits commenced before the effective date of this section, and in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this section had not been enacted.

(4) **NONABATEMENT OF ACTIONS.**—No suit, action, or other proceeding commenced by or against the Department of the Treasury, or by or against any individual in the official capacity of such individual as an officer of the Department of the Treasury, shall abate by reason of the enactment of this section.

(5) **ADMINISTRATIVE ACTIONS RELATING TO PROMULGATION OF REGULATIONS.**—Any administrative action relating to the preparation or promulgation of a regulation by the Department of the Treasury relating to a function transferred under this section may be continued by the Department of Health and

Human Services with the same effect as if this section had not been enacted.

(h) **TRANSITION.**—The Secretary of Health and Human Services may utilize—

(1) the services of such officers, employees, and other personnel of the Department of the Treasury with respect to functions transferred to the Department of Health and Human Services by this section; and

(2) funds appropriated to such functions; for such period of time as may reasonably be needed to facilitate the orderly implementation of this section.

(i) **REFERENCES.**—A reference in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document or of relating to—

(1) the Secretary of the Treasury with regard to functions transferred under subsection (b), shall be deemed to refer to the Secretary of Health and Human Services; and

(2) the Department of the Treasury with regard to functions transferred under subsection (b), shall be deemed to refer to the Department of Health and Human Services.

(j) **ADDITIONAL CONFORMING AMENDMENTS.**—

(1) **RECOMMENDED LEGISLATION.**—After consultation with the appropriate committees of Congress and the Director of the Office of Management and Budget, the Secretary of Health and Human Services shall prepare and submit to the Congress recommended legislation containing technical and conforming amendments to reflect the changes made by this section.

(2) **SUBMISSION TO THE CONGRESS.**—Not later than 6 months after the effective date of this section, the Secretary of Health and Human Services shall submit the recommended legislation referred to under paragraph (1).

S. 432

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Alcohol Abuse Prevention and Treatment Trust Fund Act of 1999".

#### SEC. 2. ALCOHOL ABUSE PREVENTION AND TREATMENT TRUST FUND.

(a) **GENERAL RULE.**—Subchapter A of chapter 98 of the Internal Revenue Code of 1986 (relating to establishment of trust funds) is amended by adding at the end the following:

##### "SEC. 9511. ALCOHOL ABUSE PREVENTION AND TREATMENT TRUST FUND.

"(a) **CREATION OF TRUST FUND.**—There is established in the Treasury of the United States a trust fund to be known as the 'Alcohol Abuse Prevention and Treatment Trust Fund' (in this section referred to as 'Trust Fund'), consisting of such amounts as may be appropriated or credited to the Trust Fund as provided in this section or section 9602(b).

"(b) **TRANSFERS TO TRUST FUND.**—There are hereby appropriated to the Trust Fund amounts equivalent to the additional taxes received in the Treasury under chapter 51 by reason of the amendments made by section 3 of the Alcohol Abuse Prevention and Treatment Trust Fund Act of 1999 and the additional taxes received in the Treasury by reason of section 3(d) of such Act.

"(c) **EXPENDITURES FROM TRUST FUND.**—Amounts in the Trust Fund shall be available, as provided in appropriation Acts, for appropriation to the National Institute of Alcohol Abuse and Alcoholism and to the Substance Abuse and Mental Health Services Administration for programs for the prevention and treatment of alcoholism and for research on the causes, consequences, prevention, and treatment of the health problems related to alcohol use, including high blood

pressure, stroke, heart disease, cancer (including breast cancer), and birth defects."

(b) **CONFORMING AMENDMENT.**—The table of sections for subchapter A of chapter 98 of the Internal Revenue Code of 1986 is amended by adding at the end the following:

"Sec. 9511. Alcohol Abuse Prevention and Treatment Trust Fund."

#### SEC. 3. INCREASE IN EXCISE TAXES ON WINE TO ALCOHOLIC EQUIVALENT OF TAXES ON DISTILLED SPIRITS.

(a) **IN GENERAL.**—

(1) **WINES CONTAINING NOT MORE THAN 14 PERCENT ALCOHOL.**—Paragraph (1) of section 5041(b) of the Internal Revenue Code of 1986 (relating to rates of tax on wines) is amended by striking "\$1.07" and inserting "\$2.97".

(2) **WINES CONTAINING MORE THAN 14 (BUT NOT MORE THAN 21) PERCENT ALCOHOL.**—Paragraph (2) of section 5041(b) of such Code is amended by striking "\$1.57" and inserting "\$4.86".

(3) **WINES CONTAINING MORE THAN 21 (BUT NOT MORE THAN 24) PERCENT ALCOHOL.**—Paragraph (3) of section 5041(b) of such Code is amended by striking "\$3.15" and inserting "\$6.08".

(b) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on October 1, 1999.

(c) **FLOOR STOCKS TAXES.**—

(1) **IMPOSITION OF TAX.**—

(A) **IN GENERAL.**—In the case of any tax-increased article—

(i) on which tax was determined under part I of subchapter A of chapter 51 of the Internal Revenue Code of 1986 or section 7652 of such Code before October 1, 1999, and

(ii) which is held on such date for sale by any person, there shall be imposed a tax at the applicable rate on each such article.

(B) **APPLICABLE RATE.**—For purposes of clause (i), the applicable rate is—

(i) \$1.90 per wine gallon in the case of wine described in paragraph (1) of section 5041(b) of such Code,

(ii) \$3.29 per wine gallon in the case of wine described in paragraph (2) of section 5041(b) of such Code, and

(iii) \$2.93 per wine gallon in the case of wine described in paragraph (3) of section 5041(b) of such Code.

In the case of a fraction of a gallon, the tax imposed by subparagraph (A) shall be the same fraction of the amount of such tax imposed on a whole gallon.

(C) **TAX-INCREASED ARTICLE.**—For purposes of this subsection, the term "tax-increased article" means wine described in paragraph (1), (2), or (3) of section 5041(b) of such Code.

(2) **EXCEPTION FOR CERTAIN SMALL WHOLESALE OR RETAIL DEALERS.**—No tax shall be imposed by paragraph (1) on tax-increased articles held on October 1, 1999, by any dealer if—

(A) the aggregate liquid volume of tax-increased articles held by such dealer on such date does not exceed 500 wine gallons, and

(B) such dealer submits to the Secretary (at the time and in the manner required by the Secretary) such information as the Secretary shall require for purposes of this subparagraph.

(3) **LIABILITY FOR TAX AND METHOD OF PAYMENT.**—

(A) **LIABILITY FOR TAX.**—A person holding any tax-increased article on October 1, 1999, to which the tax imposed by paragraph (1) applies shall be liable for such tax.

(B) **METHOD OF PAYMENT.**—The tax imposed by paragraph (1) shall be paid in such manner as the Secretary shall prescribe by regulations.

(C) **TIME FOR PAYMENT.**—The tax imposed by paragraph (1) shall be paid on or before March 31, 2000.

(4) **CONTROLLED GROUPS.**—

(A) **CORPORATIONS.**—In the case of a controlled group of corporations, the 500 wine

gallon amount specified in paragraph (2) shall be apportioned among the dealers who are component members of such group in such manner as the Secretary shall by regulations prescribe. For purposes of the preceding sentence, the term "controlled group of corporations" has the meaning given to such term by subsection (a) of section 1563 of such Code; except that for such purposes the phrase "more than 50 percent" shall be substituted for the phrase "at least 80 percent" each place it appears in such subsection.

(B) **NONINCORPORATED DEALERS UNDER COMMON CONTROL.**—Under regulations prescribed by the Secretary, principles similar to the principles of subparagraph (A) shall apply to a group of dealers under common control where 1 or more of such dealers is not a corporation.

(5) **OTHER LAWS APPLICABLE.**—All provisions of law, including penalties, applicable to the tax imposed by section 5041 of such Code with respect to any tax-increased article shall, insofar as applicable and not inconsistent with the provisions of this section, apply to the floor stocks taxes imposed by paragraph (1) to the same extent as if such taxes were imposed by such section 5041.

(6) **DEFINITIONS.**—For purposes of this subsection—

(A) **IN GENERAL.**—Terms used in this paragraph which are also used in subchapter A of chapter 51 of such Code shall have the respective meanings such terms have in such subchapter.

(B) **PERSON.**—The term "person" includes any State or political subdivision thereof, or any agency or instrumentality of a State or political subdivision thereof.

(C) **SECRETARY.**—The term "Secretary" means the Secretary of the Treasury or his delegate.

S. 433

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Alcoholic Beverage Label Preservation Act of 1999".

#### SEC. 2. PROHIBITION ON ADDITIONAL STATEMENTS AND REPRESENTATIONS.

(a) **FINDING.**—Section 202 of the Alcoholic Beverage Labeling Act of 1988 (27 U.S.C. 213) is amended—

(1) in the first sentence, by striking "The" and inserting "(a)(1) The";

(2) in the last sentence, by striking "It is therefore" and inserting the following:

"(b) It is"; and

(3) in subsection (a) (as designated in paragraph (1)), by adding at the end the following:

"(2) Congress finds that—

"(A) the consumers would be confused by an additional statement or representation, beyond the statement required by this Act, on alcoholic beverage containers relating to the health effects or consequences of alcoholic beverage consumption;

"(B) any such additional statement or representation would conflict with, dilute, impede, and undermine the clear reminder of the health effects or consequences in the statement required by this Act;

"(C) the effects of and consequences arising from drunk driving, underage drinking, drinking during pregnancy, and alcoholism have had a devastating effect on the health and safety of United States citizens; and

"(D) prevention of the effects and consequences is furthered by—

"(i) having an exclusive and clear statement on alcoholic beverage containers relating to the health effects and consequences of alcoholic beverage consumption; and

"(ii) prohibiting any other statement or representation pertaining to the health effects or consequences of alcoholic beverage consumption."

(b) PROHIBITION.—Section 205 of the Alcoholic Beverage Labeling Act of 1988 (27 U.S.C. 216) is amended—

(1) by striking "No" and inserting "(a) No"; and

(2) by adding at the end the following:

"(b) No container of an alcoholic beverage, or any box, carton, or other package, irrespective of the material from which made, that contains such a container, shall bear any statement or representation relating to alcoholic beverages and health, other than the statement required by section 204."

[From the Marin Institute, Summer 1996]

UNCLE SAM NEVER SAID DRINK FOR YOUR HEALTH

Most of the experts who authored the new Dietary Guidelines for Americans are astounded at widespread interpretation of their document as a prescription to drink alcohol.

Several members of the guidelines advisory committee question why U.S. Public Health Service Director Philip Lee deleted their references to the "drug effects" of alcohol. They hold the Wine Institute responsible for the press spin interpreting the government advice as a recommendation for moderate drinking.

One committee member, who oversees one of the world's most prominent academic wine study programs, feels manipulated by the Wine Institute, which represents an \$8 billion retail business and recently proposed a bottle label bigger than the warning label inviting consumers to "learn the health benefits of moderate wine consumption" by sending for the guidelines.

"If you read the whole alcohol guideline, you can see that it does not say drink for your health," says Dr. Lee, who partially credits his background in a family that made its own wine for his personal belief that it is beneficial. "The guideline says if you drink, do so in moderation, with food. It doesn't say to drink."

Interviews with nine of the 11 scientists, nutritionists and physicians who spent a year crafting the guidelines, and federal staffers and administrators who reworked them, reveal what every food editor knows: Food and what accompanies it in a glass, can or bottle is political.

The guidelines are the cornerstone of federal nutrition policy. The federal government uses them to plan food and nutrition education programs; private industry uses them to dispense nutrition information. A joint responsibility of the Health and Human Services Department and U.S. Department of Agriculture since 1980, the guidelines are updated every five years by an appointed panel of experts. The committee is only advisory to the administration, which has ultimate authority to change the guidelines before publication.

The 1995 version made history before the committee even met. It was the first set of guidelines mandated by Congress and the first to include oral testimony from special interest groups and individuals. Unlike the 1990 guidelines advisory committee, the 1995 group—expanded from nine to 11 members—lacked an expert on the public health effects of alcohol.

Ironically, the majority of the committee thought their most controversial advice was that Americans hold the line on weight at all costs and exercise 30 minutes a day to help do so. But changes in the alcohol section stole the headlines. Gone were 1990 statements that said "drinking . . . has no net

health benefit. . . ." and that alcohol consumption "is not recommended."

Two new sentences were added to the guideline: "Alcoholic beverages have been used to enhance the enjoyment of meals by many societies throughout human history," and "current evidence suggests that moderate drinking is associated with a lower risk for coronary heart disease in some individuals."

The list of problems associated with heavy drinking was expanded to include violence, accidents, high blood pressure, stroke, heart disease, and certain cancers. Calories in a serving of wine, beer and spirits were noted near the usual guideline definition of moderate drinking as a maximum of one drink a day for women and two a day for men. The concluding statement stressed for the first time that those who drink should do so "with meals, when consumption does not put you or others at risk."

Some of the headlines across America:

"A Toast to Your Health: US Government Now Says a Drink or Two Can Help You"

"A Little Food, A Little Walk, A Little Wine"

"Drink for Health—But Not As Much As You'd Hoped"

"When It Comes to Eating Right, Don't Forget the Wine"

"Have a Drink, Live a Little Longer"

"Eat, Drink and Be Healthy"

"W" magazine reported that at last the federal government included alcohol as an "appropriate 'nutritional substance.'"

John De Luca, president of the Wine Institute, gushed: "We had a campaign of tenacity, working with the contributions of the scientific community." He said that thanks to the guideline, alcohol was no longer to be seen as a part of a "sin industry," but as part of a healthy diet, "back on the table with meals, as it always has been."

De Luca told a reporter that the overall impact of the new wording was so positive that the wine industry might help distribute the new guidelines. When it came to paraphrasing the guidelines' reference to cardiac research and alcohol, De Luca's Wine Institute press releases left out the qualifying "in some individuals," making it sound as if moderate drinking might protect all adults.

Members of the committee that drafted the guidelines were dumbfounded. They felt their changes to the alcohol guideline were "modest." With adult Americans deriving five to seven percent of their caloric energy from alcohol, the experts said they intended to "emphasize the food use of alcoholic beverages rather than the social drug use." But they never expected to have that interpreted as recommending alcohol as some kind of health elixir.

Several committee members never saw the final version that emerged after government review and federal administrative editing. Some never noticed that their first sentence about alcohol enhancing meals had been moved down and that their two references to alcohol's "drug effects" had been deleted. The downside framing of alcohol as a drug that causes about 100,000 deaths a year had been softened to a general reference to alcohol as a potentially harmful substance. Most also failed to notice that their suggested footnote underscoring the fattening nature of alcohol had been removed.

Barbara Schneeman is dean of the College of Agriculture and Environmental Sciences at University of California at Davis, which houses one of the world's most prestigious wine study programs. Schneeman is the only committee member who also served on the 1990 Dietary Guidelines committee.

"What disappointed me was publicity that said we made a recommendation to drink," says Schneeman. "The guidelines do not con-

tain a recommendation to drink. If anything, I felt the alcohol guideline was more cautionary than before. I felt we were used by the Wine Institute . . . When I saw the coverage, my reaction was that the wine industry put a spin on it. The guideline does not differentiate between wine, beer or spirits."

The committee felt that there had to be "some acknowledgment of data accumulating on low-to-moderate alcohol consumption and the heart," Schneeman says. "There is a break point when you get into three or more glasses a day where you see all the risk. Before that break point, we don't fully understand what's going on—whether it's the alcohol or compounds other than the alcohol" that might be protective.

According to Schneeman, "once you begin to think about consuming alcohol for any reason other than enjoying a glass of it, that puts it into another ballpark—making a health claim." To her, "that might not be in the best long-term interest of the alcohol industry," because claiming health benefits on a label would probably open alcohol to being regulated as a drug.

"I have told the wine people that if I'm a clinician I may look at your data and say it's very interesting, but I'm not going to tell a patient to drink for health based on the observational studies we have thus far."

Schneeman says she is surprised the committee's references to "drug effects" were missing from the final version. As an advisory board, she says, the committee's power ended when they turned the proposed guidelines over to the agencies.

Dr. Irwin Rosenberg, director of the U.S. Department of Agriculture Human Nutrition Research Center on Aging at Tufts University, drafted the alcohol guideline and worked on it with two other committee members before submitting it to the entire panel. The committee self-selected working groups to draft guideline topics. Everyone agreed that Dr. Rosenberg was the natural writer for the alcohol section because of his special training in liver disease and nutrition.

If it had been up to Irwin Rosenberg, alcohol would have been taken out of the Dietary Guidelines. And according to him, the 1990 phrase that alcohol has "no net health benefit" is still accurate, although it "does not convey accurately the state of the science."

"It occurred to me to take alcohol out of the guidelines altogether," he says, "because it really doesn't belong, one could argue, with other elements of a food-based dietary guideline. Any discussion of alcohol is so enormously influenced by the problem of alcohol abuse . . . that it makes the whole issue of alcohol and public health such a complicated thing. Alcohol carries and enormous amount of baggage because of those other factors."

"But once a guideline is in, the inertia of taking it out is huge. There was tremendous concern over how that would be interpreted—that we don't care or it isn't important. So, in the end, my argument for taking it out wasn't given serious consideration."

Dr. Rosenberg says he wrote the sentence about alcohol having enhanced meals throughout history to bolster the committee's commitment to being more positive about enjoying food than in previous guidelines, where food was referred to in terms of nutrients.

"We didn't think we ought to be talking about what people do when they're drinking in a bar at 3 p.m. That's a public health/social issue. We were trying to bet at the question of alcohol as a meal beverage . . . I don't blame Mr. De Luca as a lobbyist for crowing and trying to take credit for what may have happened here. Maybe he can make his membership happy. I wanted to

posit alcohol with meals because when you have it with food that physiologically changes its impact [it is absorbed slower]. If this happened to intersect with a campaign of the wine industry to think of wine as a meal beverage, then so be it."

Dr. Rosenberg is concerned that any discussion of studies on cardiovascular risk and alcohol must stress that moderate drinking might be protective for some adults and not others.

"What I meant by 'some individuals' is that moderate alcohol consumption does not appear to protect all adults from risk of cardiovascular disease, and we don't know who might be protected and who might not be protected. We certainly didn't mean to suggest that it might protect everyone."

In making changes to the previous alcohol guideline, the committee ignored advice from former Surgeon General C. Everett Koop, the American Public Health Association and scores of health professionals who warned that any brief reference to current research could lead to oversimplification and misinterpretation as encouragement to drink for health. A policy statement that can be interpreted as both promoting and discouraging alcohol use can lead to abuse, they said.

Public health professionals offered their documentation, including an 11-year study by Dr. Carlos Camargo of Harvard University that concluded that men who had two to four drinks per week had lower death rates from all causes compared to men who had a drink or more per day.

The Wine Institute submitted its lists of studies. Both sides instigated letter-writing campaigns. The 1990 guidelines committee had received four comments on the alcohol section; in 1995, more than half of the 284 comments were directed at the alcohol guidelines.

Dr. Richard Havel, vice chairman of the committee and interim director of the Cardiovascular Research Institute at University of California at San Francisco, says none of it impacted him.

"I don't think a lot new has really happened in the area of the health effects of alcohol," he says. "Nothing that has scientific validity to influence the guidelines per se. We do not yet know the extent to which the reduced cardiovascular risk is the result of the change in HDL [the "good" cholesterol]. It could be lifestyle. To know for certain alcohol's effect on risk of cardiovascular disease, we would have to give pure ethyl alcohol to an individual for years."

What the committee was doing with its changes was "recognizing a reality," says Marion Nestle, head of New York University's Department of Nutrition, Food & Hotel Management and a member of the committee's alcohol guideline subgroup. "Alcohol is, in fact, a part of people's lifestyle and it is okay for most when done moderately . . . I don't think the committee was making comments about what should be. The 'should be' in alcohol is very complicated."

It is Nestle who points out that the process of coming up with federal dietary advice is "incredibly political." Anyone who thinks otherwise, she says, "does not really understand the situation."

During the past five years, the Wine Institute of San Francisco has made the release of studies about wine and health the centerpiece of its annual press conference in Washington, DC. First the studies were about red wine bolstering the "good cholesterol." Television's "60 Minutes" featured the story and red wine sales soared more than 40 percent. Then they disseminated research pointing to both red and white wine. Now that researchers are crediting ethyl alcohol regardless of

its form, the Wine Institute appears to be carrying the political ball on alcohol and health for all segments of the alcoholic beverage business.

Two years ago, vintners began to pressure Congress to direct the National Institute on Alcohol Abuse and Alcoholism (NIAAA) to study the health effects of moderate drinking. They succeeded in getting a legislative rider to the bill funding the NIAAA, which has thus far accepted 63 applications for about 10 grants to do \$2 million worth of research.

In the spring of 1994, California vintner Robert Mondavi went to the nation's capital and dined with Donna Shalala, secretary of Health and Human Services, and other appointed and elected officials. In a thank-you letter to Shalala, Mondavi Winery Vice President Herb Schmidt enclosed a study he discussed at the dinner. "The fact that moderate wine consumption could actually have a positive effect on the problem of rising health care costs is intriguing to me," he wrote.

Richard Rominger, deputy secretary of the Department of Agriculture, says political connections only assured the wine industry of a fair hearing.

"I don't think I did anything more for the Wine Institute than I did for any of the other commodity groups, whether it be the National Cattlemen's Association or any of the others," says Rominger.

Rominger says that when the vintners sent him correspondence regarding the alcohol guideline, he passed it to the staff supporting committee work with a note "to please consider it along with the other information you're getting on the subject."

He may have mentioned it to Dr. Lee when their paths crossed, "because we're both Californians and run into each other occasionally." In the end, says Rominger, "I'm sure the Wine Institute felt they could get a fair hearing from Dr. Lee or me. We're both Californians and they know us. That's the way it works in all kinds of government, I think. People like to talk to people they know."

It was Dr. Lee who deleted the committee's references to the "drug effects" of alcohol. Former chancellor of University of California at San Francisco and former U.S. assistant secretary of health, Dr. Lee says he struck the phrase suggested by the committee because, "if you take alcohol with food, you take it out of context if you think of it as a drug."

Dr. Lee says that he didn't think they needed an alcohol expert on a panel with more generalists than technical experts. Committee members were chosen by Lee and Eileen Kennedy, executive director of the Department of Agriculture's Center for Nutrition Policy & Promotion, after staff solicited nominations in the Federal Register and from major organizations such as the American Dietetics Association.

The health directors stands by the comment he made at the press conference last January when the guidelines were released: "In my personal view, wine with meals in moderation is beneficial. There was a significant bias in the past against drinking. To move from anti-alcohol to health benefits is a big change."

Dr. Lee says he comes to that belief because of research and because his physician father was a member of Medical Friends of Wine and the Lee family made wine for their own use. Yet, he stresses that as a clinician he knows the difference between alcohol use and abuse and "is very aware when you don't recommend alcohol."

John De Luca had no impact on what he changed in the committee's proposed guideline, says Dr. Lee.

"The main person I talked to because he's an old friend is John De Luca. We talked almost exclusively about research needs and particularly Heart, Lung and Blood Institute-funded research or the Institute for Alcoholism and Alcohol Abuse. NIAAA was funding research that related to alcohol beyond alcoholism and he [De Luca] was interested in having language in the appropriation that gave some guidance—a lot of people do—to National Institutes of Health with respect to research."

Dr. Lee adds that he has "tremendous respect" for De Luca, who has done a "very able" job promoting the Wine Institute. "But that doesn't mean he influenced me at all. Nor did he even offer me a bottle of wine or take me out. I went to a reception where there were lots of people from California—Leon Panetta, Nancy Pelosi, Barbara Boxer and others."

Both Health and Human Services Director Shalala and he were surprised that the national story about the Dietary Guidelines came out as the government advising that alcohol is good for you, says Dr. Lee. "I think you have to give the Wine Institute either credit or whatever you want to call it for doing a thorough job of informing the media and pitching it the way they did" he says.

According to Jim Harrell, former deputy director of the Office of Disease Prevention & Health Promotion, the Wine Institute put "tremendous pressure" on the staff supporting guidelines committee work.

Interviews with staff reveal that Wine Institute officials intensified pressure after apparently learning that the staff had moved the committee's first sentence about alcohol "enhancing meals" lower in the text for fear that beginning on too positive a note might be misleading.

Last April, Wine Institute representatives met with an official of the Bureau of Alcohol, Tobacco and Firearms, which regulates labeling and advertising of alcoholic beverages, to talk about what new labeling might be acceptable.

Dr. Lee says it is "unlikely" that misinterpretation of the guideline will lead to increased alcohol consumption and abuse. "It's clearly a possibility," he says, "but not a likely consequence because I think abuse is much more complicated than that."

Dr. Charles Lieber isn't so certain. Director of Alcohol Research and Treatment at the Bronx Veterans Affairs Medical Center in New York, Dr. Lieber is the alcohol expert credited with structuring the 1990 alcohol guideline.

"My stance is the same as it was 12 years ago," says Dr. Lieber. "You have to be extremely careful about giving advice in general to a population about alcohol. It is different from a doctor giving advice to an individual patient. I believe that it's important to have an alcohol specialist on the committee."

"We didn't need to have the guideline say that people enjoy drinking. Including that sentence about alcohol enhancing meals wasn't very revealing or educational for the public. And if I'd been on the committee, I would have been upset if the administration took out the phrase, 'drug effects of alcohol.'"

Dr. Lee and everyone else involved in the guideline process agree that if in five years statistics reveal alcohol abuse to be on the rise, the next Dietary Guidelines committee will have to revisit their drinking advice.

Dr. Cutberto Garza, a committee member who is chairman of the Food and Nutrition Board of the National Academy of Medicine, doesn't want the government to wait that long.

"We didn't endorse moderate drinking for health, but that's the story that's out



there," he says. "We can flail against the way this came out, but I lay the blame on the government. Prevention is only one percent of the healthcare budget, but the government put out the guidelines and hasn't done a thing to correct the perception people have of the alcohol guideline. I look to the government to be assertive about promoting what it really says."

#### IF YOU DRINK ALCOHOLIC BEVERAGES, DO SO IN MODERATION

Alcoholic beverages supply calories but few or no nutrients. The alcohol in these beverages has effects that are harmful when consumed in excess. These effects of alcohol may alter judgment and can lead to dependency and a great many other serious health problems. Alcoholic beverages have been used to enhance the enjoyment of meals by many societies throughout human history. If adults choose to drink alcoholic beverages, they should consume them only in moderation. (box 16)

Current evidence suggests that moderate drinking is associated with a lower risk for coronary heart disease in some individuals. However, higher levels of alcohol intake raise the risk for high blood pressure, stroke, heart disease, certain cancers, accidents, violence, suicides, birth defects, and overall mortality (deaths). Too much alcohol may cause cirrhosis of the liver, inflammation of the pancreas, and damage to the brain and heart. Heavy drinkers also are at risk of malnutrition because alcohol contains calories that may substitute for those in more nutritious foods.

#### WHAT IS MODERATION?

Moderation is defined as no more than one drink per day for women and no more than two drinks per day for men.

#### Counts as a drink—

- 12 ounces of regular beer (150 calories)
- 5 ounces of wine (100 calories)
- 1.5 ounces of 80-proof distilled spirits (100 calories)

#### WHO SHOULD NOT DRINK?

Some people should not drink alcoholic beverages at all. These include:  
Children and adolescents.

Individuals of any age who cannot restrict their drinking to moderate levels. This is a special concern for recovering alcoholics and people whose family members have alcohol problems.

Women who are trying to conceive or who are pregnant. Major birth defects, including fetal alcohol syndrome, have been attributed to heavy drinking by the mother while pregnant. While there is no conclusive evidence that an occasional drink is harmful to the fetus or to the pregnant woman, a safe level of alcohol intake during pregnancy has not been established.

Individuals who plan to drive or take part in activities that require attention or skill. Most people retain some alcohol in the blood up to 2-3 hours after a single drink.

Individuals using prescription and over-the-counter medications. Alcohol may alter the effectiveness or toxicity of medicines. Also, some medications may increase blood alcohol levels or increase the adverse effect of alcohol on the brain.

#### ADVICE FOR TODAY

If you drink alcoholic beverages, do so in moderation, with meals, and when consumption does not put you or others at risk.

#### A PRIZE FOR THE WINE INSTITUTE (By Lawrence Wallack)

The Wine Institute has been nominated for a prize it would rather not win. In a recent editorial, the San Francisco Examiner nominated that trade organization for the newspaper's annual Emperor Norton Prize, "to draw public attention to crack-brained

schemes, dingbat proposals and stupendous nuttiness in matters of public policy."

What Wine Institute scheme has warranted such a dubious accolade? In the interest of public education, the Wine Institute wants to place a label on wine bottles alerting consumers to the health benefits of moderate alcohol consumption.

While I support the Wine Institute for this award and praise the Examiner for its courage and insight, I still want to know what made the Wine Institute's scheme possible. How did the irrelevant sentence "alcoholic beverages have been used to enhance the enjoyment of meals by many societies throughout human history" make it into the final version of the federal dietary guidelines, the cornerstone of national nutrition policy? No parallel friendly sentence accompanies any other guideline in the federal document. And while we're at it, what about the final deletion of the phrase "drug effects of alcohol," which the guidelines advisory committee used twice in its proposed document? Certainly this must be private industry propaganda, not public interest education.

Educating the public about the role of alcohol in our society is an important mission and should be undertaken by those without a vested interest. The alcoholic beverage industry already spends several billion dollars every year educating youth and adults alike about the "benefits" of their product. Sophistication, wit, sexiness, peer acceptance, fitness, and many other implied benefits are communicated endlessly to the consumer. Alcohol advertising is almost, but not quite, pervasive enough to make people forget that alcohol is a drug, that alcohol is the number one cause of potential years of life lost in this country, that alcohol causes about 100,000 deaths every year.

Public health educators are struggling against great odds to level the playing field for the consumer seeking information about this very significant risk factor. They want an information environment where people can get a realistic view of the role of alcohol in society. The Wine Institute wants to tilt the field so it looks like one of San Francisco's hills.

From a public health perspective, the proposed Wine Institute label would contribute to the high level of misinformation about alcohol that clogs our environment. None of the studies I have seen that suggest a health benefit from moderate drinking recommends that anyone start drinking or increase their consumption. The Dietary Guidelines for Americans, in fact, states that moderate drinking is associated with a lower risk for coronary heart disease "in some individuals."

Of course, researchers conducting these studies would be the first to say that "association" is not "causation." Indeed, the usual recommendation is to seek advice from a physician—a medical approach that provides patients with information particular to their situation. This is especially important when the change is one that can have widely different effects on different individuals. Advice to a population is a public health matter and is not a good means for communicating the limited or special case benefits of a drug, especially when that drug is addictive.

So, the Wine Institute of San Francisco may not want the Emperor Norton Prize, but if it is somehow successful in its efforts to get the proposed label approved, it will certainly deserve the award, and the notoriety that comes with it.

By Mr. ENZI (for himself and Mr. THOMAS):

S. 435. A bill to amend the Internal Revenue Code of 1986 to allow the Secretary of the Treasury to waive the

contemporaneous substantiation requirement for deduction of charitable contributions in certain cases; to the Committee on Finance.

#### THE EQUITY IN CHARITABLE GIVING ACT

• Mr. ENZI. Mr. President, I rise today to introduce a bill that will help reform America's tax system. The bill I introduce today is designed to advance the important goal of encouraging charitable contributions. With this proposal, I add my voice to the Republican chorus in the Senate and House of Representatives calling for reform of our tax system to make it fairer and less burdensome for all Americans.

The bill I introduce today is the Equity in Charitable Giving Act. This legislation, which is also cosponsored by the senior Senator from Wyoming, Senator THOMAS, would provide relief for taxpayers who have had legitimate charitable contributions disallowed by the IRS because of a technical change Congress made to the Tax Code in 1993. In that year, a change was made to section 170 of the Internal Revenue Code dealing with the documentation required by taxpayers to claim charitable contributions. The new change required taxpayers to have a "contemporaneous written acknowledgment" of their contributions for all contributions they claimed over \$250 in a taxable year.

While the purpose of this change was understandable, the rule espoused was too broad and it has in turn yielded some harsh results. Some taxpayers, unaware of the change in the law, did not receive the necessary acknowledgment before they filed their taxes. This oversight is understandable. For example, a taxpayer who filed his taxes in February may not have received the necessary documentation from the affected charities prior to filing his taxes. Under the current rule, any contributions over \$250 would be disallowed even if he received the proper documentation before his taxes were due on April 15th. As a result of the very narrow definition of "contemporaneous" found in section 170(f)(8)(C), a number of taxpayers have had their otherwise lawful charitable contributions disallowed by the Internal Revenue Service. This punitive rule elevates form over substance and places an unwarranted burden on those generous taxpayers desiring to make their communities better places in which to live.

The Equity in Charitable Giving Act, which I introduce today, has one simple purpose: to provide tax relief for those taxpayers who fell through the cracks when the law on charitable contributions was changed. While this bill would still require taxpayers to receive the proper documentation from the charitable organization, taxpayers would have a longer time to file this written acknowledgment with the Internal Revenue Service. In order to take advantage of this flexibility, taxpayers would also have to demonstrate

to the satisfaction of the Secretary of the Treasury that no goods or services were received from the tax exempt organization in return for their contributions. While this is only a small step in the larger journey of reforming America's Tax Code, it furthers the important objective of charitable giving by ensuring that taxpayers receive the proper tax treatment for their gifts.

Mr. President, the time has come to provide meaningful tax relief and reform for the American people. The Republican-led Congress has taken important and meaningful steps in that direction over the past two years with the Taxpayer Relief Act of 1997 and the Internal Revenue Service Reform Act of 1998. We must continue this important endeavor by continuing to restructure our tax policy to respect marriage and families, encourage investment and savings, reward charitable giving, and promote job creation and entrepreneurship. I urge my colleagues to join me in this endeavor.●

By Mr. BURNS (for himself and Mr. BAUCUS):

S. 438. A bill to provide for the settlement of the water rights claims of the Chippewa Cree Tribe of the Rocky Boy's Reservation, and for other purposes; to the Committee on Energy and Natural Resources.

#### WATER RIGHTS SETTLEMENT ACT OF 1999

Mr. BURNS. Mr. President, today I am pleased to be jointly introducing with my fellow Senator from Montana, Senator BAUCUS, a bill to settle the claims and define the water rights of the Chippewa Cree Tribe of the Rocky Boy's Reservation. This bill is the product of many years of work and negotiations in our state and will result in the federal government sanctioning the water rights agreement that has been adopted by the Montana State Legislature. This settlement represents a textbook example of how State and Tribal governments, together with off-Reservation local representatives, can sit down and resolve their differences. I am also pleased that local ranchers were involved in every step of discussions, and that their water rights are fully protected under this settlement.

The state agreement quantifies the Tribe's on-reservation water rights and establishes a water administration system carefully designed to have minimal adverse impacts on downstream, non-tribal water users. In fact, our goal was to benefit downstream water users wherever possible. This is quite an accomplishment in an area of Montana with a scarce water supply. The Rocky Boy's Reservation is located in an arid area with an average annual rainfall of 12 inches or less. Fortunately, the annual runoff from the Bearpaw Mountains, with a annual snowpack of over 30 inches, contributes to a significant spring runoff. Effective use of that runoff through enlarged or new storage facilities on the Reservation is a critical part of the settlement package which this bill represents. Accordingly, \$25

million in the budget of the Bureau of Reclamation is earmarked for specified on-reservation water development projects. To meet both the future water and economic needs of the Reservation, the bill contains an allocation of 10,000 acre-feet of storage water to the Tribe in Tiber Reservoir, a federal storage facility. To resolve future disputes, this settlement established a board composed of Tribal and off-Reservation representatives.

In addition, the bill authorizes the initial steps of a more detailed process of securing long-term drinking water supplies for the Chippewa Cree Tribe, a process that is vital to the survival of the Tribe. Specifically, the bill authorizes the following: (1) \$15 million in seed money toward the cost of a future project to import more drinking water to the Reservation. (2) \$1 million for a feasibility study by the Secretary of the Interior to identify water resources available to meet the Tribe's drinkwater needs. (3) \$3 million to evaluate water resources over a broader area of North Central Montana that contains two other Indian Reservations with water rights that have not yet been established.

In closing, I believe that the Chippewa Cree Tribe of the Rocky Boy's Reservation Indian Reserved Water Rights Settlement Act is a historic agreement. It is a tribute to the Governor of Montana, Marc Racicot; the Water Rights Compact Commission; the Chippewa Cree Tribe chairman, Bert Cocoran; the Tribal negotiating team; Interior Secretary's Counselor, David Hayes; the Federal negotiating team; and the water users on the Big Sandy and Beaver Creeks in the Montana Milk River valley. This is truly a local solution that takes into account the needs and sovereign rights of each party. Just as the mentioned parties have worked closely together to get us to the submission of this bill today, I intend to work closely with all members of Congress to insure passage of this important bill.

● Mr. BAUCUS. Mr. President, I am pleased to join with my colleague from the State of Montana on the introduction of the Chippewa Cree Tribe of the Rocky Boy's Reservation Indian Reserved Water Rights Settlement Act. The legislation ratifies the Compact approved by the State and the Tribe in 1997. Senator BURNS and I jointly introduced this legislation in the 105th Congress and had the 2nd Session of that Congress lasted a few more weeks, I believe the bill would have been approved by the Senate. The introduction of this bill is the culmination of 16 years of extensive technical studies and six years of rather intensive negotiations in our state involving the Chippewa Cree Tribe, the Montana state government, off-Reservation county and municipal governments in north-central Montana, local ranchers, and the United States Departments of Justice and Interior.

The 122,000-acre Rocky Boy's Reservation sits west of Havre, Montana

on several tributaries of the Milk River on what was formerly the Fort Assiniboine Military Reserve. Unfortunately, the portion of the land reserved for the Chippewa Cree is rough and arid. Without irrigation, much of the land is not suitable for farming. Recent studies have demonstrated that the Reservation could not sustain the membership of the Chippewa Cree Tribe as a permanent homeland without an infusion of additional water. The development of a viable reservation economy calls for more water for drinking purposes, as well as for agriculture and other municipal uses. In 1982, acting in its fiduciary capacity as trustee for the Tribe, the United States filed a claim for the water rights of the Chippewa Cree in the State of Montana general stream adjudication. Were it not for the negotiated settlement represented by this legislation, divisive and costly litigation would be pending between the State, the Tribe, the United States and non-Indian ranchers for many years to come. Fortunately, in 1979, the Montana legislature articulated a policy in favor of negotiation and established the Montana Reserved Water Rights Compact Commission to negotiate "compacts for the equitable division and apportionment of waters between the state and its people and several Indian tribes claiming reserved water rights within the state."

From the initial meeting in 1992, to the conclusion of an agreed on water rights Compact in 1997, the State, the Federal Government and the Tribe acted in good faith and worked together to explore options. This culminated in passage of a resolution by the Chippewa Cree Tribal Council to ratify the Compact on January 9, 1997. Following overwhelming approval by the Montana Legislature and appropriation of funds for implementation, Governor Marc Racicot signed the Compact into state law on April 14, 1997. Subsequent negotiation, in which staff from my office assisted the State and Tribe, resulted in approval by the United States Departments of the Interior and Justice and drafting of this bill by the three parties.

The litigation filed in state water court in 1982 is stayed pending the outcome of this bill. Once passed, the United States, the Tribe and the State of Montana will petition the Montana Water Court to enter a decree reflecting the water rights of the Tribe.

I urge my colleagues to support this very positive legislation and work with Senator BURNS and Montana's Congressman HILL, who has simultaneously introduced this bill in the House, to secure passage of the Settlement Act this year.

Mr. President, I look forward to expeditious passage of this historic settlement.●



## ADDITIONAL COSPONSORS

S. 4

At the request of Mr. WARNER, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 4, a bill to improve pay and retirement equity for members of the Armed Forces; and for other purposes.

S. 13

At the request of Mr. SESSIONS, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 13, a bill to amend the Internal Revenue Code of 1986 to provide additional tax incentives for education.

S. 38

At the request of Mr. CAMPBELL, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 38, a bill to amend the Internal Revenue Code of 1986 to phase out the estate and gift taxes over a 10-year period.

S. 67

At the request of Mr. MOYNIHAN, the names of the Senator from Florida (Mr. GRAHAM), the Senator from Maryland (Mr. SARBANES), and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 67, a bill to designate the headquarters building of the Department of Housing and Urban Development in Washington, District of Columbia, as the "Robert C. Weaver Federal Building."

S. 87

At the request of Mr. BUNNING, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 87, a bill to amend the Internal Revenue Code of 1986 to provide that the exclusion from gross income for foster care payments shall also apply to payments by qualifying placement agencies, and for other purposes.

S. 192

At the request of Mr. KENNEDY, the name of the Senator from Hawaii (Mr. INOUE) was added as a cosponsor of S. 192, a bill to amend the Fair Labor Standards Act of 1938 to increase the Federal minimum wage.

S. 223

At the request of Mr. LAUTENBERG, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 223, a bill to help communities modernize public school facilities, and for other purposes.

S. 263

At the request of Mr. ROTH, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 263, a bill to amend the Social Security Act to establish the Personal Retirement Accounts Program.

S. 270

At the request of Mr. WARNER, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 270, a bill to improve pay and retirement equity for members of the Armed Forces, and for other purposes.

S. 313

At the request of Mr. SHELBY, the names of the Senator from Mississippi

(Mr. COCHRAN) and the Senator from Georgia (Mr. COVERDELL) were added as cosponsors of S. 313, a bill to repeal the Public Utility Holding Company Act of 1935, to enact the Public Utility Holding Company Act of 1999, and for other purposes.

S. 322

At the request of Mr. CAMPBELL, the names of the Senator from Missouri (Mr. ASHCROFT) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 322, a bill to amend title 4, United States Code, to add the Martin Luther King Jr. holiday to the list of days on which the flag should especially be displayed.

S. 331

At the request of Mr. JEFFORDS, the names of the Senator from Oregon (Mr. SMITH) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 331, a bill to amend the Social Security Act to expand the availability of health care coverage for working individuals with disabilities, to establish a Ticket to Work and Self-Sufficiency Program in the Social Security Administration to provide such individuals with meaningful opportunities to work, and for other purposes.

S. 335

At the request of Ms. COLLINS, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 335, a bill to amend Chapter 30 of title 39, United States Code, to provide for the nonmailability of certain deceptive matter relating to games of chance, administrative procedures, orders, and civil penalties relating to such matter, and for other purposes.

S. 337

At the request of Mr. HUTCHINSON, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 337, a bill to preserve the balance of rights between employers, employees, and labor organizations which is fundamental to our system of collective bargaining while preserving the rights of workers to organize, or otherwise engage in concerted activities protected under the National Labor Relations Act.

S. 345

At the request of Mr. ALLARD, the names of the Senator from New Hampshire (Mr. SMITH), the Senator from Iowa (Mr. HARKIN), and the Senator from Pennsylvania (Mr. SANTORUM) were added as cosponsors of S. 345, a bill to amend the Animal Welfare Act to remove the limitation that permits interstate movement of live birds, for the purpose of fighting, to States in which animal fighting is lawful.

S. 346

At the request of Mrs. HUTCHISON, the names of the Senator from Kansas (Mr. BROWNBACK), the Senator from Wyoming (Mr. ENZI), and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 346, a bill to amend title XIX of the Social Security Act to prohibit the recoupment of funds recovered by States from one or more tobacco manufacturers.

S. 352

At the request of Mr. THOMAS, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 352, a bill to amend the National Environmental Policy Act of 1969 to require that Federal agencies consult with State agencies and county and local governments on environmental impact statements.

S. 393

At the request of Mr. MCCAIN, the name of the Senator from Missouri (Mr. ASHCROFT) was added as a cosponsor of S. 393, a bill to provide Internet access to certain Congressional documents, including certain Congressional Research Service publications, Senate lobbying and gift report filings, and Senate and Joint Committee documents.

S. 395

At the request of Mr. ROCKFELLER, the names of the Senator from Indiana (Mr. BAYH), the Senator from Pennsylvania (Mr. SANTORUM), and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 395, a bill to ensure that the volume of steel imports does not exceed the average monthly volume of such imports during the 36-month period preceding July 1997.

S. 403

At the request of Mr. ALLARD, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 403, a bill to prohibit implementation of "Know Your Customer" regulations by the Federal banking agencies.

S. 414

At the request of Mr. GRASSLEY, the names of the Senator from Minnesota (Mr. GRAMS) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 414, a bill to amend the Internal Revenue Code of 1986 to provide a 5-year extension of the credit for producing electricity from wind, and for other purposes.

## SENATE CONCURRENT RESOLUTION 5

At the request of Mr. BROWNBACK, the names of the Senator from Texas (Mr. GRAMM), the Senator from Pennsylvania (Mr. SANTORUM), the Senator from Alaska (Mr. MURKOWSKI), the Senator from Massachusetts (Mr. KERRY), the Senator from North Dakota (Mr. DORGAN), the Senator from Maryland (Ms. MIKULSKI), the Senator from Georgia (Mr. CLELAND), the Senator from Pennsylvania (Mr. SPECTER), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Indiana (Mr. LUGAR), the Senator from Louisiana (Mr. BREAU), and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of Senate Concurrent Resolution 5, a concurrent resolution expressing congressional opposition to the unilateral declaration of a Palestinian state and urging the President to assert clearly United States opposition to such a unilateral declaration of statehood.

## SENATE CONCURRENT RESOLUTION 10

At the request of Mr. SARBANES, the name of the Senator from Virginia (Mr.