

## FISCAL YEAR 2002 HOUSE CURRENT LEVEL REPORT AS OF JULY 11, 2001—Continued

[In millions of dollars]

	Budget authority	Outlays	Revenues
Total Budget Resolution .....	1,626,488	1,590,658	1,638,202
Current Level Over Budget Resolution .....	0	0	33,950
Current Level Under Budget Resolution .....	-648,589	-396,423	0
<b>Memorandum:</b>			
Revenues, 2002-2006:			
House Current Level .....	0	0	8,897,349
House Budget Resolution .....	0	0	8,878,506
Current Level Over Budget Resolution .....	0	0	18,843

## Notes: P.L.—Public Law.

Section 314 of the Congressional Budget Act, as amended, requires that the House Budget Committee revise the budget resolution to reflect funding provided in bills reported by the House for emergency requirements, disability reviews, an Earned Income Tax Credit compliance initiative, and adoption assistance. To date, the Budget Committee has increased the outlay allocation in the budget resolution by \$184 million for these purposes. These amounts are not included in the current level because the funding has not yet been enacted.

Source: Congressional Budget Office.

## TOBACCO IS NUMBER ONE PUBLIC HEALTH CONCERN IN AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from New Mexico (Mr. UDALL) is recognized for 60 minutes as the designee of the minority leader.

Mr. UDALL of New Mexico. Mr. Speaker, it is a real pleasure to be here this evening. Let me begin by talking a little bit this evening about tobacco issues, because I have been involved as a State attorney general on the issue of tobacco. I was involved in the massive piece of tobacco litigation that State attorneys general filed across the country in their respective States, and we also, as a result of that, had a settlement; and we learned a lot about tobacco, about tobacco companies, about tobacco companies targeting kids. It is something that is a pretty incredible story. It also says something about public health in America and where we should be headed.

That is our real purpose here tonight, is to talk about the public health side and to talk also about the side of the administration, this current administration, the Bush administration, carrying on a tobacco lawsuit, the Federal Government versus the tobacco companies; and we will also be talking about that.

First of all, let me talk a little bit about the public health problem when it comes to tobacco, because a lot of people do not understand the massive size of the public health problem that we have here in America when it comes to tobacco. Mr. Speaker, 435,000 people every year are killed by tobacco. These are tobacco-related deaths, and it is a huge number. When we hear the number, we all hear statistics and we wonder what they mean. Take all other causes of death out there, and let us just go through a few here, auto accidents, suicides, murders, deaths by infectious diseases, deaths from AIDS; think of any other chronic illnesses, heart disease. If we add a lot of these up and we total them, we still do not get to the number of deaths caused by tobacco.

So when we talk about the cause of death and talk about public health problems, we clearly have a huge one when it comes to tobacco; and it is one that I think is in a way demonstrated, and I am going to have another Member join me here and maybe others if

they want to come down and talk about this; but it is demonstrated by a physician that I talked to, a cancer doctor in New Mexico. She is an oncologist. She told me this story. She said, I work in the cancer field. It is a very trying field to work in. She is very interested in tobacco and lung cancer and that whole relationship.

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She said, "If tomorrow we could stop people smoking, one-third of my patients would go away immediately." So the people that she is treating today, if we stopped individuals from smoking, she would lose an entire third of her patients. She of course said that she sees every day all the pain and suffering that people go through. She said, "I would be happy to have that happen, to see that loss of patients."

So when we are talking about cancer docs across the country taking a look at this, we can see the kind of impact it is having.

One of the other facts here that is very, very important is that tobacco companies have targeted our kids in America for addicting them to tobacco. I would just like to give some of the facts here.

People do not realize that the tobacco companies saw their markets going down about 10 or 15 years ago. They saw their markets going down. They saw the number of people shrinking. The older people were quitting. They did a lot of research. This is in their files. There were documents that we recovered from them as State attorneys general.

They discovered several things. They discovered first of all if they build their younger market, then they are able to increase their markets dramatically. That is what they did. They started targeting younger people to start smoking. It is documented. It is in there. It is something that is pretty astounding, when we think about it.

Listen to these figures. Almost 90 percent of the adult smokers began at or before the age of 18. So it is the young people that are starting, and they continue for their whole lives. Each day here in America more than 3,000 kids become regular smokers. That is more than 1 million kids a year. Roughly one-third of them will eventually die from tobacco-related disease.

Fifteen and one-half million kids are exposed to secondhand smoke at home.

More than 3 million of our children ages 12 to 17 are current smokers, and 900 million packs of cigarettes are consumed by our children a year. More than one-third of all these children who ever try smoking a cigarette become regular daily smokers before leaving high school.

That is what these tobacco companies knew all along. They knew if they got young people addicted, that they would stay addicted for a lifetime, and keep buying cigarettes, and their profits would keep going up. It is a horrible story to tell, but it is out there and it is documented. It is part of these tobacco lawsuits that the State attorneys general brought.

Now, who stepped in to do something about this? Very little was done at the Federal level in the 1990s. Did we see any other people stepping out to do something about it? Private individuals hired attorneys and went to court and tried to sue the tobacco companies.

The tobacco companies had never settled a case. They fought these cases all the way to the U.S. Supreme Court, if they had to, and they always defeated these poor little plaintiffs, many of whom had smoked for 30, 40, or 50 years, and then had contracted lung cancer.

But in the 1990s, there were a group of attorneys general, first led by Attorney General Mike Moore from Mississippi, who filed the first lawsuit down there in Mississippi. It grew over the years, and eventually we had 45 attorneys general join this lawsuit.

These lawsuits were pushed hard. They were fought hard. There was an incredible battle going on in State courts with these lawsuits, but eventually there was a master settlement for \$240 billion. As part of that master settlement, the tobacco companies agreed to do a number of things: not target our kids, change their advertising, pay this \$240 billion over 25 years.

My little State of New Mexico, this was the largest civil settlement in the State of New Mexico for \$1.2 billion. Many of the States had something like that, settlements of that magnitude, so bringing in this kind of money was very important to the State.

I would say at this point that it is very, very important, and this is a side issue, but it is important that the States use this money on health-related issues, rather than using it to build roads or for a tax cut, or some of

the other things that they have used it for. These came out of health care monies. These were Medicaid monies that were spent by the States, it was the crux of the lawsuit, so these monies should go back into health care.

I am proud to say that my State of New Mexico has put this in a trust fund and is going to analyze this, and I think is going to head in the right direction.

But the point I wanted to make here in the State attorneys general filing these lawsuits is that we always wondered, when we would talk about bringing our lawsuits, and when we would visit on the telephone and in conferences about the cases, why the Federal Government was never bringing a lawsuit. The crux of our claims were basically Federal claims. They were Federal monies. They were State and Federal monies mixed in, and many of them were 50/50 matches. Why did the Federal Government never join us?

Eventually the Federal Government did, under President Clinton. They realized that we had made enormous progress. They realized that the settlement that had come about was in the interest of the public, so they filed a lawsuit. I think they also realized that \$240 billion was left on the table, something in that range that they could have gotten. So they joined in and they said, well, let us file a lawsuit, and they did file that lawsuit. That is what we are here to talk about today is where are we on that lawsuit, what is happening with it in this new administration.

Attorney General John Ashcroft, a very controversial nominee over there in the Senate, did a number of things on tobacco before he got into. One of the things he did was lead the fight in the Senate against the tobacco settlement, and he was very proud of the fact that he led the fight against Senator MCCAIN, who at the Federal level tried to pass a bill and deal with the whole issue at the Federal level.

At one press conference, Attorney General Ashcroft was saying "It would be a big-government travesty at its biggest to use the tragedy of tobacco as a smokescreen to cover the expansion of the Nanny State." In other cases, Senator Ashcroft at the time said things like this was a frivolous lawsuit. He was the only one on the Senate Committee on Commerce that voted against reporting the tobacco settlement bill that was sponsored by Senator MCCAIN.

So, basically, we have an individual that is in the Attorney General's office. He is the lead negotiator on this case. He is somebody that can make the decision one way or another as to how this case is handled, what the strategy is to pursue in court, and whether and on what terms it should be settled. That is really the issue that is before us this evening.

We have been joined this evening by the gentleman from Colorado (Mr. UDALL). I know that he has an interest

also in tobacco and these public health problems that are out there. I yield to the gentleman from Colorado (Mr. UDALL) to see if he is interested in talking a little bit about this current lawsuit and this current situation, and reflect on his views.

Mr. UDALL of Colorado. Mr. Speaker, I thank my colleague, the gentleman from the State of New Mexico, for yielding to me and providing me some time to talk about this very important issue tonight. I also wanted to applaud his efforts as attorney general of the State of New Mexico, and now as Member of the U.S. House of Representatives.

As I was listening to the gentleman, I was thinking about all of the viewers tonight who have children, and particularly daughters. I have an 11-year-old daughter, a soon to be 11-year-old daughter. She is a very important part of my life.

When I looked at the statistics that the gentleman has shared with us in general, and then broke them down into the statistics that apply to women and girls, I thought it was very striking. I want to share a few of those with the Members tonight, and then talk a little bit about the lawsuit situation, as well. It is stunning to think of some of these statistics and what they really mean.

Smoking prevalence is higher among women with 9 to 11 years of education than women with 13 to 15 years of education, and three times higher than women with 16 or more years of education. Smoking among girls and women has increased dramatically in the 1990s. From 1991 to 1999, smoking among high school girls increased from 27 percent to 34 percent.

A report published in the American Journal of Public Health shows that girls have an easier time buying cigarettes than boys, even at the youngest ages.

Now come the tragic statistics. In 1997, nearly 165,000 women died of smoking-related diseases. Since the Surgeon General's Report on Women and Smoking was released in 1980, about 3 million women in the U.S. have died prematurely. Three million women have died prematurely of smoking-related diseases.

As with men, smoking is related to heart disease and lung cancer, but women smokers also face increased risks of cervical cancer and osteoporosis. In the 1980s, lung cancer overtook breast cancer as the leading cause of cancer death in women. Since 1950, lung cancer mortality rates for women have increased 600 percent.

Cigarette smoking doubles the risk of coronary heart disease, and accounts for more than 80 percent of lung cancers in women. Women also have a more difficult time when they want to quit smoking. They have lower cessation rates, and girls and women aged 12 to 24 are much more likely to report being able to cut down on smoking than men and boys of those same ages.

Females are significantly more likely than boys to report feeling dependent on cigarettes, and are more likely to report feeling sad, blue, or depressed during attempts to quit smoking.

I would remind the viewers that cigarette companies first began targeting women in the 1920s. Up to that point, smoking among women was not particularly socially acceptable, but they were savvy. They equated smoking with freedom and emancipation.

Women continue to be a target of the cigarette companies. Cigarette advertising and promotions use themes of empowerment and sophistication. The cigarette companies, and I think my colleague, the gentleman from New Mexico, touched on this, but they spent more than \$8 billion in advertising and promotion in 1999, a 22 percent increase over the \$6.7 billion spent in 1998. This is the largest increase in dollar terms since the Federal Trade Commission began tracking industry sales in advertising in 1970.

Clearly, this points out that we have a real public health challenge, and that it is one that we cannot turn our backs on. The gentleman from New Mexico talked a little bit about the history of the lawsuits brought by the States that was then taken up by the Federal Government.

I, too, want to express my concern that Attorney General Ashcroft, given his past skepticism about the tobacco settlement bill, and indeed, his work to stop the tobacco settlement bill, is now heading up these efforts at the Federal level. I, too, want to lend my voice to the calls for the Attorney General to establish a neutral and independent review board to provide oversight of any proposed settlement.

I think such a review board could be composed of a bipartisan slate of attorneys general from the States who could act as neutral arbitrators. I would hope that the Attorney General would recuse himself, at a minimum, from the negotiation process.

This widespread use of tobacco is eating away at our society's physical and financial health. We cannot bear, I think, to wait another day before we continue these efforts to point out the dangers of this real epidemic to our public health.

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I have been pleased to join my colleague, and at this point would yield back to him for further comments.

Mr. UDALL of New Mexico. I very much want to thank the gentleman from Colorado for those comments. I know that he and I and many others here in the House of Representatives are going to be monitoring this very closely and trying to make sure that Attorney General Ashcroft does what is in the public interest if he stays on the case. I think we both feel he should not be on the case.

Let me also talk a little bit about the gentleman's comments about women. The women in America have

had a tragic situation when it comes to their relationship with tobacco. The statistics are pretty astounding. And that is why when we do these tobacco settlements, one of the conditions that should be in there and one of the ways settlement monies can be used is to try to do everything we can to educate people about quitting, offering them cessation courses, doing counter advertising.

One of the States that has done an incredible job is the State of California, which has put a tax on cigarettes and then taken that money and advertised and showed everybody that is out there the danger of tobacco, and they in particular target their advertising to young people and say this is going to be your future. They show them lungs that have been damaged. They show older individuals that have wrinkles all over their faces because of premature aging from smoking and try to let them know what kind of damage this is going to do. So it is important that we protect everybody, protect women, and that we come up with a variety of programs with these settlement monies to try to do that.

The gentleman's comments on Attorney General Ashcroft, I think, are crucial. And over and over again we see the statements he made as a United States Senator before he got to be Attorney General. Listen to his statement on FDA authority over the tobacco industry. This was from a letter dated June 7, 2000. "I believe that the most effective way to combat nicotine addiction by people of all ages is not to allow the FDA to regulate the tobacco industry."

Well, that is just the opposite of what we ought to be doing. President Clinton used FDA authority to get out there, to regulate, to say that you cannot target young people in this country, and the courts threw it out. So now we are in a situation where the FDA has no regulatory authority. I have authored a bill in the Congress that gives regulatory authority to the FDA. We have a number of sponsors on that, and I think that is a good solid piece of legislation.

Mr. UDALL of Colorado. If the gentleman will continue to yield.

Did now Attorney General Ashcroft, but then Senator Ashcroft, propose a different system or did he just suggest we throw open the gates and everybody have at it? I cannot imagine where we would be if we had that kind of system up until this point, when after many years we have been able to gather information and data that suggested the addictive qualities and the detrimental qualities of nicotine and other substances.

It strikes me that this is a very illustrative comment, also one that causes me great concern.

Mr. UDALL of New Mexico. The gentleman's comment is correct, and when Senator Ashcroft made that statement he was specifically targeting FDA regulation. And really what he was say-

ing, he was taking a very libertarian approach; just let anybody do whatever they want and let the private sector work. Let the tobacco companies get out there and advertise all they want and get our young people addicted. And he is saying the government should play no role. That, I think, is an irresponsible position.

Mr. UDALL of Colorado. If the gentleman will further yield, the Attorney General is welcome to his own opinions. That is what makes this country so great, the first amendment and all the other traditions we have in our law and in our culture that encourages people to speak out on their point of view. But I would suggest that that particular set of sentiments is not held by the American people; that we have decided as a country that tobacco should be regulated, just like we regulate alcohol and other controlled substances.

That again points out the need to create an unbiased and bipartisan group who would oversee the Federal Government's activities in regards to this lawsuit. And this is not, incidentally, about Democrats or Republicans. There are people who have contracted these diseases and these problems in the 400,000 people the gentleman mentioned who are Republicans, Democrats, Libertarians, Green Party. I am sure there are even some anarchists in this group of people. This is not about partisan advantage, but this is about doing the right thing and representing or reflecting where the American people reside I think on this issue, which is that there is more to be done.

Mr. UDALL of New Mexico. The gentleman is absolutely correct, and I cannot emphasize enough that the lawsuits that were brought by State attorneys general were brought by Democrats and Republicans. As the gentleman knows, in his home State of Colorado, Attorney General Gale Norton, who is now Secretary of the Interior, she brought a lawsuit in the State of Colorado against the tobacco companies. She was part of the master settlement. She, like everyone else, was very concerned about the situation with women, the targeting of young people and trying to addict them over a lifetime. So she was out there as a Republican, very active, and there were many other Republican attorneys general around the country that were involved. So this was a bipartisan effort.

Back to this issue of Attorney General Ashcroft being in charge of this lawsuit. I cannot, with all this evidence we have laid out there, I cannot think of a worse individual to be in charge of the Nation's lawsuit against the tobacco companies. It is really like putting the fox in charge of the hen house. This gentleman has condemned these lawsuits. He fought the tobacco settlement. He was the only one in the committee. The vote in the committee was 19 to 1. He was the one in the committee. And now we have him as Attorney General and he is the head litigator.

One of the first things he did was to announce, well, I think we have a weak lawsuit; we better settle. That is no way to go into a lawsuit. It is no way to go into settlement negotiations. You have to get in there and be tough with these companies, as the State attorneys general were. He seems to be folding his tent before he has even started.

So this raises the whole question of conflict of interest, it raises the question of an appearance problem, and it raises the whole issue of bias. And I think one of the individuals that said it the best was the person that wrote the editorial for The New York Times just a couple of weeks ago when they said "The Bush administration has shown a troubling propensity for putting the interests of industrial campaign backers before its duty to protect public health. The latest case in point is the Justice Department's curious announcement that it will attempt to settle the huge tobacco lawsuit against the tobacco industry brought by the Clinton administration 2 years ago, explaining in part that it thinks the case is weak. Attorney General John Ashcroft, a major opponent of the lawsuit when he was in the Senate, included no funding for the suit in his budget. So in that sense this week's action is no surprise. Mr. Bush's spokesman explains that the President thinks society is 'too litigious,' and that it is preferable to 'reach agreements,' but abandoning the case is not the way to preserve leverage."

Mr. UDALL of Colorado. If the gentleman will yield, that is so true. And in any contest you do not tell the other team before you take the field or take the court or arrive at the golf course that you have a weakened game that day and your team is not really prepared to compete. And that is what lawsuits are. They are often the last resort option that you have; but in many cases in our society, the judicial system has proven to be an important place to play out further the debate that is necessary in our society.

I was interested to also hear the comments about the Attorney General saying there was not enough money to pursue the case. Well, the number I have heard is about \$23 million. That is real money. But when we look at the cost of the lives and the cost that we have incurred societally in Medicare and Medicaid and all of our private health systems, that is a small amount of money to invest in doing right in all the areas the gentleman has suggested.

I also find it interesting that perhaps it was suggested that there was not any money available to pursue these lawsuits. But the Attorney General himself is in charge of putting together his budget. So it is a bit like saying I do not have any money, even though I am in charge of how the money is allocated. How you spend money gives a sense of your priorities. This clearly is not a priority for the Attorney General and potentially, by extension, the President.

I think it is a priority for the American people. That is why we are here tonight is to point out that there are thousands of American citizens who think this lawsuit ought to be pursued and that, in the end, this is not about lawsuits, it is not about money, it is not about even keeping score, it is about our children in particular and about the costs that tobacco use imposes on our society.

Mr. UDALL of New Mexico. I thank my colleague very much for those comments. And let me follow on one of the thoughts that came out of what the gentleman just said and this New York Times editorial I just talked about.

There was a paragraph in there that I thought was particularly interesting that should be illuminated on a little bit. People may wonder why the Times said this. They said in the editorial, "the interests of industrial campaign backers before its duty to protect the public health." They were accusing the Bush administration of showing a troubling propensity to put the interests of industrial campaign backers before the duty of public health.

So what are they talking about there? And I have been following this very closely, because we all know when we run in campaigns and we are active and we are out there and doing fund-raising the, fund-raising can tell us a lot about actions and agenda and those kinds of things. We have just finished here tonight a discussion of campaign finance reform, and so if we look at the Center for Responsive Politics and what they have researched on money in the last election, 83 percent, 83 percent of the tobacco contributions went to the Republican Party.

So when they talk about following contributors, I think that is what they are talking about there. If we look at individual contributions, \$90,000 went specifically to the Bush campaign, only \$8,000 to the Gore campaign. So we are talking about another large amount in terms of differences. A large disparity.

So the bottom line here is that President Bush has got to get a new negotiator. I wrote what I considered a very congenial letter. The gentleman mentioned it in his comments, a congenial letter to the President saying this is a problem, this is a conflict, this has an appearance, a serious appearance problem. This gentleman has come to the job with a bias and you have to get a new negotiator to protect the public interest.

Now, I do not have anybody in mind, and I would not be presumptuous to tell the President who to pick as his negotiator. He clearly needs someone he can trust, and he ought to replace the current Attorney General and just have him step aside on this. But the other way, it seems to me, with this whole cloud that is out there over this settlement, to take care of this, is to involve the State attorneys general.

There is nobody in the Nation with more credibility on this issue than the State attorneys general. They sued the

tobacco companies. They were the first ones to bring them to the table. They were the very first ones to get a settlement out of the tobacco companies. No other lawyers had ever done this before. The tobacco companies always used to wave their fingers at us and say, we fight to the end. If you file against us, we are going to fight it to the end and we have never paid a penny. Well, they paid \$240 billion. So that is a pretty penny there, I will tell you.

Mr. UDALL of Colorado. Again asking my colleague to yield, I would note that the President certainly is a proponent of Federalism. He certainly has taken the position in many cases that the States ought to have an important role in a lot of the decisions that are made in our country, and this suggestion that my colleague has brought up in his letter, I think, fits his philosophical approach, and bringing in the experts to work on behalf of all of the Americans and the attorney generals as my colleague suggests, Democrat, Republican, covering the whole political ideological spectrum, I think the gentleman mentioned 45 of them joined this case.

I would just urge the President to again look at the gentleman's letter. I am hopeful that we will have a response from him sooner rather than later.

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If I might, since we were talking about the costs, I might touch on that one more time. It is easy to say these are other people's problems. It is easy to say we are all adults, and if one decides to smoke, they should bear some of the responsibility. There is some truth in both of those statements, but we are talking about doing all we can to make sure that children are not targeted. Children who begin smoking are much more likely to remain smokers throughout their lives.

Even if we feel there is some responsibility that adults have, and we do have those responsibilities, the costs that are incurred we all have to bear. We can acknowledge those costs or turn a blind eye to those costs.

The tobacco industry spent over \$8 billion in 1999 on advertising and promotional campaigns. That is \$22 million a day spent on these campaigns.

Now there is \$89 billion in total annual private and public health care expenditures caused by tobacco use; \$17 billion annual Federal and State Medicaid payments directly caused by tobacco use; \$20.5 billion Federal Government Medicare expenditures each year that are attributed to tobacco use; and \$8 billion other Federal Government tobacco-caused health care costs in particular through our Veterans Administration health care.

There is \$2.1 billion in addition annual expenditures through Social Security survivors insurance, the SSI program, for kids who have lost one or both parents through smoking-caused death.

Mr. Speaker, one that really catches my attention, \$1.4 billion to \$4 billion in additional annual expenditures for health and developmental problems of infants caused by mothers who smoke and for those infants who were exposed to secondhand smoke after they were born and, of course, during pregnancy.

These are very significant costs that we all bear as a society, and this is why I think it is very important that we continue to pursue the resolution of this situation. We ask the tobacco companies to carry their fair share.

I was curious to hear a little more, if it fits the rest of the gentleman's comments, about what the State of New Mexico has done about the monies from the settlement. You talked about California, but I am interested in how we can reduce the size of these statistics that I have just shared.

Mr. UDALL of New Mexico. Mr. Speaker, I thank the gentleman from Colorado for his comments. The State of New Mexico is planning to get about \$1.2 billion under the master settlement. That is the largest civil settlement in the State of New Mexico. The way that this settlement was worked out, it will flow in over 25 years. We do not have all \$1.2 billion at this time. We are getting smaller amounts, and they balloon up over time.

Mr. Speaker, let me talk about some of the proposals that were out there and then what they are actually doing now, and maybe we can get into a discussion on that. First of all, the public health community came forward, many of these cancer doctors, the oncologists came forward, and the American Cancer Society and the American Lung Society, all of them came forward and said, we need to work on specifically how we spend these dollars.

They came up with what I thought were some very good recommendations. First of all, we could start a trust fund. One of the best recommendations, and I was very supportive of this and worked with my legislature, set up a trust fund and try to get the trust fund to the level that it was way up there in dollars so we could then use the principal rather than using the capital. If you took a lot of this money and put it into a trust fund, then there could be a perpetual flow of money to deal with the tobacco issues.

Mr. UDALL of Colorado. Mr. Speaker, so the gentleman is suggesting to treat it as an endowment for our children's future, and direct the return and the interest off the endowment into these efforts, and it would be a very conservative way to proceed, and that would ensure that those monies were there into perpetuity for use of citizens in the gentleman's home State?

Mr. UDALL of New Mexico. Mr. Speaker, the gentleman is correct. And what we were trying to do in recommending some kind of trust fund was to say these issues are not going away. The tobacco companies are advertising, and they are still out there. We prevented them from targeting kids, but

they are still out there selling cigarettes. We know how many kids; 3,000 kids are starting smoking every day. The idea is get a trust fund, have those monies, the principal on your trust fund, work toward preventing that.

One of the most effective things that can be done is counteradvertising, and that is one of the recommendations that we were making. Go on television, go out with billboards, and any information you can give to the public about the dangers of smoking and try to target it to specific audiences and have it be relevant to those audiences.

After somebody gets addicted, they start when they are young, one of the next issues is how do you get them off. There are cessation programs. There are a variety of programs to help people wean themselves from cigarettes; and those could also be funded. Give people a chance to get themselves off of tobacco.

The thing that is deplorable to me is that many of the States have not taken this approach, have not headed down this road. New Mexico is not completely down this road either. They have taken the money and just let it flow into the general fund and spent on whatever comes up. Some States have taken the money and built roads.

This is a once-in-a-lifetime opportunity. It is pretty rare that a State has a huge lump sum of money, anywhere from 5 to 6 to 1.2 or \$10 billion flowing into the State over 25 years. And if you are creative, inventive, you can really do, I think, some good things as far as public health and as far as our children.

Mr. UDALL of Colorado. Mr. Speaker, in the State of Colorado we had that debate, and our Governor was very involved. If memory serves me right, we directed a significant amount of money into the very programs that have been created in New Mexico, and we have directed some into literacy programs and other programs which have been designated as worthy.

I have mixed feelings. I think a strong case could be made that all of the money ought to be used in the way the gentleman has suggested, where the principal is taken, and it generates a return, and all that can be done over a period of time is done to not only begin to reduce smoking, but eventually reach a point where none of our children start smoking at an age before they really understand the consequences.

Mr. Speaker, if an adult wants to utilize tobacco at some point, that is his or her right to do that. But as the gentleman points out, the statistics are staggering as to how many children start. They then carry that habit and addiction on into their adult years.

I was noting, too, the Attorney General mentioned that he had a concern that it would be a big government travesty to use the tragedy of tobacco as a smoke screen to cover the expansion of the nanny state.

Mr. Speaker, I guess I would beg to differ with him, and I think many

Americans would, that this is an appropriate place for government regulation. This is an appropriate place for all of us through our government to come together and make sure that our children are not exposed to the great dangers of tobacco.

Abraham Lincoln, the founder of the Republican Party, suggested that we do together through government what cannot be done solely as individuals.

It is clear that the power and the resources of the tobacco companies are enormous, and that the role that government can play in providing a counterbalance is crucial. Our free enterprise system provides for a lot of freedom, but it also asks corporations and large entities to act responsibly. I think that is the purpose at the heart of the litigation that has been brought, and I think that is again why I share the concerns that the Justice Department needs to look for a broader-based approach. It needs to involve other constituencies on a bipartisan basis in its pursuit of the important lawsuit that we have been discussing tonight.

Mr. UDALL of New Mexico. Mr. Speaker, if the gentleman would yield, there are two important points here. Number one, get a new negotiator. There are plenty of former Attorneys General, there are State attorneys general, there are people in the government. The President should have another negotiator in place.

Secondly, how do you give credibility to this whole process? The process right now has a big cloud over it. There are serious questions that have arisen. I think involving the States attorneys general, a group of attorneys general that can come in and say, we are headed towards a settlement now, is this a good settlement. Then they can visit privately with the administration. Also in the end they should be able to make public pronouncements about the validity of the lawsuit, the size of the settlement, what was extracted in the settlement. There is no group in this country that knows more about what should be in a settlement than State attorneys general.

I would hope that not only would he remove Attorney General Ashcroft from this, but he would also focus on some independent oversight by State attorneys general. I certainly believe that with the combination of those two items, that we would be able to have a good outcome here.

Mr. UDALL of Colorado. Mr. Speaker, if the gentleman would yield, I would appeal to all of our colleagues in the House, all 435 of us, to weigh in with the President, request that he consider what I thought was a very thoughtful request on the part of the gentleman from New Mexico, and I think other colleagues would join the gentleman if they knew the extent to which this is an important issue facing us.

Mr. Speaker, it is an opportunity. It is arguably a health care crisis, but it also presents us with a real oppor-

tunity. I hope colleagues who have been here and have listened to our special order tonight would consider also making their own pitch to the President that this is a worthy undertaking and one that will be remembered not just in the near future if we do it right, but will be remembered for decades to come; that we got ahold of this public health problem and that we did something about it when it was appropriate and when our kids are really what are at risk here.

So I want to commend the gentleman for providing the leadership in this important area, and for after 8 years as attorney general and now 3 years in this body is continuing the good work on behalf of our children.

Mr. UDALL of New Mexico. Mr. Speaker, I commend the gentleman from Colorado for his leadership on this issue and caring about our children in this country.

Mr. Speaker, I will say as we wrap up here that these are important issues to the American people.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. WATERS (at the request of Mr. GEPHARDT) for July 10 on account of illness.

Mr. MOORE (at the request of Mr. GEPHARDT) for today after 4:00 p.m. and the balance of the week on account of attending his son's wedding in Hungary.

#### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. HASTINGS of Florida) to revise and extend their remarks and include extraneous material:)

Ms. NORTON, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Ms. MILLENDER-MCDONALD, for 5 minutes, today.

(The following Members (at the request of Mr. WICKER) to revise and extend their remarks and include extraneous material:)

Mr. SMITH of Michigan, for 5 minutes, today.

Mr. SIMMONS, for 5 minutes, July 18.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. DOOLITTLE, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Mr. NUSSLE, for 5 minutes, today.

Mr. PLATTS, for 5 minutes, today.

#### ADJOURNMENT

Mr. UDALL of New Mexico. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock p.m.), under its previous order, the House adjourned until Monday, July 16, 2001, at 2 p.m.