

use illegal drugs. This amendment provided needed resources for drug interdiction and deterrence and particularly addressed the alarming trends in drug use among teenagers. As we address the harmful health consequences of tobacco, we need to also remember that drug use among teenagers is worsening and is even more unhealthy, dangerous, and unacceptable.

I voted for Senator GRAMM's amendment to reduce the size of the net tax increase proposed in the bill by reducing the marriage penalty tax for working families earning less than \$30,000. Under the bill as reported out of Committee, the burden of the price or tax increase from 65 cents to \$1.10 per pack of cigarettes would have fallen disproportionately on working class Americans. I believed that we ought to give some of this revenue back in the form of relief from the unfair marriage penalty tax, which requires married people to pay higher taxes than they would if they were single.

On the Reed amendment, which would have denied the advertising deduction for any business found in violation of FDA tobacco advertising regulations, I opposed this amendment and felt that the legislation had begun to stray further away from the core goals that should concern the Congress. Under that amendment, which was narrowly adopted, if the FDA finds that one advertisement of a tobacco product failed to comply with marketing and advertising rules issued by the FDA nearly two years ago and still under litigation, the offending company would lose the entire business expense deduction for all of its advertising in that year. The Congress should not be giving the FDA or any other regulatory agency such expansive and punitive authority. The possibility of such a penalty could chill advertising and deter legitimate, protected speech. In my view, this raises serious constitutional concerns and liberty interests that should at the minimum be seriously considered in the appropriate committees. This is unsound public policy, unsound tax policy, and an unwise expansion of federal regulatory authority. It also sets poor precedent and raises constitutional concerns. No matter what we think of the uses of advertising, the Constitution protects the right of free speech.

I supported Senator GREGG's amendment to eliminate the liability caps that had been included in the manager's amendment. I had concerns about our taking action to limit the liability of the tobacco industry without enacting other legal reforms that are desperately needed by so many industries. I found it highly incongruous that we would not extend the same liability protections to industries that produce life-saving products as we do for the tobacco industry.

For example, I would have liked to see us include reforms to permit the development and manufacturing of beneficial products, such as pace-

makers and other medical devices. Too often, biomaterials needed to manufacture those products have been unavailable due to litigation concerns. I had supported Senator ASHCROFT's amendment in the Commerce Committee that would have added the Biomaterials Access Assurance Act to the tobacco settlement legislation. The biomaterials legislation, of which I am a cosponsor, offers liability protections to manufacturers of biomaterials, which are needed to produce life-saving devices but which have been tragically unavailable in some instances because of litigation concerns. Such important health-related legislation as the biomaterials bill would be appropriate to include as part of tobacco settlement legislation, and, in my view, should in fact be directly linked to and included in the legislation.

In summary, I would like to again commend my colleagues for their hard work on the legislation and the majority leader for bringing this important legislation to the floor and giving the full Senate ample opportunity to debate and consider the bill. While I had hoped we could come together on the issue, I think it became far more complex than any of us had imagined. A number of amendments, many of which I supported, changed the nature of the legislation so fundamentally that the legislation really must be revisited from square one. With almost no restrictions on payments for damages and penalties, for instance, it became clear that the industry would never agree to voluntary advertising restrictions. In my view, tobacco advertising is one of the most powerful factors in influencing the decisions of teenagers with respect to smoking, and it was one of the key parts of that legislation that we were not going to get.

I will continue to work with my colleagues on this issue, and with my own Governor and state legislature. I am pleased that Leader LOTT is considering setting up a bipartisan task force to revisit this important issue. There is much that can still be done on it, and I believe that we have learned a great deal in going through this process once.●

#### TAX DEDUCTIBILITY OF THE BREAST CANCER STAMP

● Mrs. FEINSTEIN. Mr. President, I was concerned to learn this morning that the IRS will not allow individuals who purchase a special stamp intended to raise funds for breast cancer research to list the donation as a charitable gift for tax deduction purposes.

Last year, Congress passed legislation that authorized the US Postal Service to issue a stamp priced at 40 cents, with the additional 8 cents going to the National Institute of Health and the Department of Defense to fund breast cancer research. The clear intent of my legislation was that gifts made to fund breast cancer research through the purchase of the breast can-

cer stamp are to be considered as a charitable donation. For the IRS to treat them in any other way violates the spirit of the law.

Breast cancer is one of the greatest health risks facing America today. More than 2.6 million women are living with breast cancer right now, one million of them have yet to be diagnosed. Breast cancer is still the number one killer of women between the ages of 35 and 52. The disease claims another woman's life every 12 minutes in the U.S.

Despite increases in the last few years, research dollars are still desperately needed to fund cancer research. In 1996, the National Cancer Institute could fund only 26% of the research grant applications, a decline from 60% in the 1970's.

Clearly, there needs to be innovative ways to offset this reduction in research spending. The breast cancer stamp is one such idea. It has the potential to raise millions of badly needed cancer research dollars. I am disturbed that the IRS has chosen to make it more difficult to raise this money. My legislation was designed to encourage contributions for breast cancer research and I hope the IRS will help fulfill its intent.●

#### TRIBUTE TO DR. BRUCE CANADAY

● Mr. FAIRCLOTH. Mr. President, I am happy to announce that one of North Carolina's own has been elected president of the American Society of Health-System Pharmacists (ASHP). As president for the 1998-1999 season, Dr. Bruce R. Canaday, Pharm.D., FASHP will lead the nation's pharmacists in developing new and innovative patient care methods. His job will also include representing pharmacists from an array of varying disciplines such as hospitals, health maintenance organizations, long-term care facilities and home health care to name just a few.

After earning his B.S. in pharmacy from Purdue University, Dr. Canaday went on to earn his Doctor of Pharmacy degree from the University of Tennessee. Dr. Canaday's previous experience include serving as Chair of the ASHP House of Delegates and member of the Board of Directors, and as president of the North Carolina Society of Health-System Pharmacists.

When Dr. Canaday is not teaching future pharmacists under his title—Clinical Professor—at the University of North Carolina at Chapel Hill, he is working as Director of the Department of Pharmacotherapy for the Coastal Area Health Education Centers in Wilmington, N.C. At both the coastal centers and at UNC, Dr. Canaday's contributions to the field of pharmacy have taught pharmacy students the information necessary for delivering effective and efficient healthcare to those in need.

Mr. President, if those credentials are not enough for my colleagues to