

Act to sure death in the House of Representatives, but it would also kill the tobacco bill here in the U.S. Senate. Without a unanimous consent agreement that assures that we would return immediately to the tobacco legislation, I am unwilling to take the risk of removing it as the business before the Senate and substituting the Nuclear Waste Policy Act, as much as I support that legislation.

So for those reasons, I will vote against invoking cloture.

Mr. REID. Mr. President, what time remains?

The PRESIDING OFFICER (Mr. BROWNBACK). There is 1 minute 30 seconds remaining.

Mr. REID. I yield 1 minute to my colleague from Nevada.

Mr. BRYAN. Mr. President, I think the Senator from Florida has cut to the core of this issue. From the perspective of those who want this legislation to proceed, the question of adopting the House bill without amendment obviously moves that process forward. We are now told that, no, that is not the strategy, that we want to offer a so-called Bingaman amendment; and then we hear that there is a so-called perfecting amendment, which nobody has seen. Out our way, that is called keeping some cards up your sleeve. We don't have any idea what we are going to be asked to vote on. I think our colleague makes a good point. I urge rejection of the motion to invoke cloture.

Mr. REID. Mr. President, the action today is a waste of time. Let's move to tobacco, to the Patients' Bill of Rights, to IRS reform, or to the appropriations bills—13 in number—or let's move to school construction; let's do something that is worth while. The President said he will veto this. The Speaker has said he won't consider it. This is a waste of time.

I urge everybody to vote no on cloture.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the hour of 6 p.m. having arrived, the clerk will report the cloture motion.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to calendar No. 312, H.R. 1270, the Nuclear Waste Policy Act:

Trent Lott, Frank H. Murkowski, Chuck Hagel, Slade Gorton, Pat Roberts, Olympia J. Snowe, Jon Kyl, Tim Hutchinson, Rod Grams, Spencer Abraham, Pete Domenici, Bill Roth, Don Nickles, Thad Cochran, Michael B. Enzi, Charles Grassley.

CALL OF THE ROLL

The PRESIDING OFFICER. By unanimous consent, the quorum call under the rule is waived.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Sen-

ate that debate on the motion to proceed to the consideration of H.R. 1270, an act to amend the Nuclear Waste Policy Act of 1997, shall be brought to a close?

The yeas and nays are required under the rules.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Oklahoma (Mr. INHOFE) is necessarily absent.

I also announce that the Senator from Pennsylvania (Mr. SPECTER) is absent because of illness.

Mr. FORD. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from California (Mrs. BOXER), and the Senator from Illinois (Ms. MOSELEY-BRAUN), are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 56, nays 39, as follows:

[Rollcall Vote No. 148 Leg.]

YEAS—56

Abraham	Frist	McCain
Allard	Gorton	McConnell
Ashcroft	Gramm	Murkowski
Bennett	Grams	Nickles
Bond	Grassley	Robb
Brownback	Gregg	Roberts
Burns	Hagel	Roth
Campbell	Hatch	Santorum
Chafee	Helms	Sessions
Coats	Hollings	Shelby
Cochran	Hutchinson	Smith (NH)
Collins	Hutchison	Smith (OR)
Coverdell	Jeffords	Snowe
Craig	Kempthorne	Stevens
D'Amato	Kyl	Thomas
DeWine	Levin	Thompson
Domenici	Lott	Thurmond
Enzi	Lugar	Warner
Faircloth	Mack	

NAYS—39

Akaka	Feingold	Lautenberg
Baucus	Feinstein	Leahy
Bingaman	Ford	Lieberman
Breaux	Glenn	Mikulski
Bryan	Graham	Moynihan
Bumpers	Harkin	Murray
Byrd	Inouye	Reed
Cleland	Johnson	Reid
Conrad	Kennedy	Rockefeller
Daschle	Kerrey	Sarbanes
Dodd	Kerry	Torricelli
Dorgan	Kohl	Wellstone
Durbin	Landrieu	Wyden

NOT VOTING—5

Biden	Inhofe	Specter
Boxer	Moseley-Braun	

The PRESIDING OFFICER. On this vote, the yeas are 56, the nays are 39. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I just received a statement from the Speaker of the House concerning the last vote we had on the high-level nu-

clear waste bill. I would like to enter the Speaker's statement on the nuclear waste bill in the RECORD so that there will not be any confusion as to the position of the Speaker of the House of Representatives. I ask unanimous consent that this statement be printed in the RECORD.

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

SPEAKER'S STATEMENT ON NUCLEAR WASTE BILL

WASHINGTON, DC.—House Speaker Newt Gingrich released the following statement on the status of the nuclear waste bill.

"Although I strongly support a legislative resolution to the nuclear waste issue, it is unlikely that such a bill will make it past the President's veto to become law this year. Because of the crowded calendar and the strong opposition of some members, I do not expect to schedule floor action this year.

"Along with his colleague Jim Gibbons, John Ensign has been a forceful and effective voice for the citizens of Nevada in opposing the nuclear waste bill."—House Speaker Newt Gingrich.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

NOMINATION OF ROSEMARY S. POOLER, OF NEW YORK, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SECOND CIRCUIT

The PRESIDING OFFICER. Under a previous order, the Senate will now proceed to executive session to consider the nomination of Rosemary S. Pooler, of New York, to be United States Circuit Judge for the Second Circuit, Calendar No. 622.

The nomination is confirmed.

The nomination considered and confirmed is as follows:

THE JUDICIARY

Rosemary S. Pooler, of New York, to be United States Circuit Judge for the Second Circuit.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now resume legislative session.

May we please have order.

The Senator from Idaho.

Mr. CRAIG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. LEAHY. Mr. President, what is the parliamentary situation?

NATIONAL TOBACCO POLICY AND YOUTH SMOKING REDUCTION ACT

The Senate continued with the consideration of the bill.

AMENDMENT NO. 2446, AS MODIFIED

The PRESIDING OFFICER. The question is now on the McCain amendment No. 2446, as modified.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, so Members will have some idea—maybe a little better than I do—as to exactly how we are going to proceed—

Mr. FORD. May we have order, Mr. President, to listen to the majority leader?

The PRESIDING OFFICER. Let's have order in the body, please.

Mr. LOTT. I believe the pending business is the McCain amendment. Senator MCCAIN had hoped he could have a recorded vote on his amendment, but I know it has unanimous support. Because a number of Senators are having problems with schedules, Senator MCCAIN has agreed that we will go ahead and have a voice vote on his amendment. I thank him for that cooperation. I know he feels very strongly about it, and it is the right thing to do for the veterans of our country. So that will be then the next order, the voice vote.

Mr. DASCHLE. Mr. President, the Senate is not in order.

The PRESIDING OFFICER. Can we please have order in the body? The majority leader has the floor and is discussing important business. May we please have order in the body?

Mr. LOTT. After the McCain amendment is unanimously accepted, I am sure there will be some further general debate or discussion about the tobacco bill, and we will work then on exactly the time we will come in on Thursday and when the first votes will occur with regard to the Durbin amendment or the Gramm amendment, or if they agree to set them aside so we can go to other business we will make that announcement either later on tonight or tomorrow during the day, even though we will be out. We will put it on the recording so Senators will know.

There will not be, it doesn't appear at this time, an early vote on Thursday, but we do hope to get a couple votes before noon on Thursday. We will be working on that. We will do this by voice vote, and that will be the last vote for the night.

Mr. CHAFEE. Mr. President, I wonder, if I can ask the majority leader a question.

Mr. LOTT. Mr. President, just to make clear, that will be the last recorded vote for tonight. We may be able to do other business by unanimous consent. I didn't want to leave the wrong impression there.

Mr. CHAFEE. Mr. President, if I can ask the majority leader, it is my understanding that there will be an effort to hot line the technical corrections on the transportation legislation.

Mr. LOTT. There certainly will be, Mr. President. It is very hot. We are trying to get it done before it gets worse. I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the McCain amendment No. 2446.

The amendment (No. 2446), as modified, was agreed to.

Mr. ROCKEFELLER. Mr. President, I am pleased that my colleagues have agreed to secure a small piece of the tobacco revenue to improve veterans' access to health care. The amendment offered by my colleague, Senator MCCAIN, is similar to an amendment I had planned to offer which would have set aside \$2.7 billion for veterans health care; and I am delighted that he shares my views on this matter. In my view, given the significant increased costs of providing VA health care due to smoking-related illnesses, it only seems fair to do something to fortify the veterans' health care system.

Specifically, this amendment, Amendment No. 2446 to S. 1415, would dedicate \$600 million per year of the spending included in the tobacco bill to help reimburse VA for their smoking-related expenses and expand access for direct smoking-related services to other veterans.

I want to talk about the amount of funding for the moment. I arrived at this formula because the VA's increased costs due to smoking are about 7 percent of the estimated total federal health care costs due to tobacco-related illnesses.

This amendment is really a modest one. I ask my colleagues to look at the estimates for VA's cost of providing smoking-related health care. In 1997, VA spent \$3.6 billion, and over the next five years, will spend \$20 billion.

I believe many of my colleagues would be surprised to learn that VA spends so much. But it is true. Veterans have a very high prevalence of smoking-related diseases and illnesses, because as young servicemembers, they were encouraged to smoke by the military and became addicted. Let me remind my colleagues that the military distributed free cigarettes in C-rations and K-rations and sold tobacco products at vastly reduced prices to service members, a practice that continued until very recently.

And in the aggregate, veterans are older, and, therefore, the long-term effects of smoking are likelier to have taken a toll on their health status.

To put it all in perspective, we are not asking our colleagues to approve an amendment to completely reimburse VA for their full health care costs—though many believe this would be justified. No, this amendment would be limited to just a fraction of VA's true costs—approximately 15% of what they are actually spending taking care of veterans afflicted by diseases and illnesses caused by smoking.

Quite obviously, providing tobacco-related health care places a tremendous financial burden on the VA health care system. I want to make one thing perfectly clear: because of limited resources, the VA health care system is not and has never been accessible to

any veteran who walks in the door. There is no entitlement to health care for all veterans.

Because all of the health care provided at VA hospitals and clinics is subject to the availability of funding, VA enrolls veterans according to certain priorities. Those veterans with service-connected disabilities, or low incomes, or those who are members of certain groups, like former prisoners of war, are enrolled first, and second, and third, and so on.

With an essentially frozen budget, when VA covers the health care costs for smoking-related care, it means that other veterans are denied care.

Though modest, the amendment would do wonders to VA's ability to provide more health care to veterans. Some 240,000 veterans who would not gain access to VA's health care system would now be able to see VA doctors and nurses. Veterans dying of smoking-related illnesses could spend their final days in VA hospices.

Finally, Mr. President, I find it quite ironic that this amendment comes on the heels of the elimination of a \$16 billion existing veterans' benefits to offset funding in the highway bill. That particular battle has been lost, and nothing can make amends for cutting an existing veterans benefit to pay for highways. Though the damage is done, I am pleased that my colleagues have chosen with this amendment to provide a measure of security for veterans and the health care system dedicated to serve their needs.

The PRESIDING OFFICER. Who seeks recognition?

Mr. DASCHLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

TEA-21 RESTORATION ACT

Mr. WARNER. Mr. President, there has been a concerted effort by the majority leader and the Democrat leader, Chairman CHAFEE, myself, and the distinguished ranking member, Mr. BAUCUS, to try and get a voice vote tonight on a technical corrections bill to the ISTEA legislation which was adopted by the Senate just before we went on recess. I regret that we are not going to be able to handle that matter tonight.

But a part of that very important Technical Corrections Act would address an error that was made in the drafting of the bill which related to veterans. Being a veteran myself, and many others in this body, we were quite concerned about that mistake. And the purpose of my taking the floor now is to advise the Senate this matter will be corrected in the TEA-21 Restoration Act, which is a euphemism for