

export of destabilizing military technologies. The recent nuclear detonations by India and Pakistan were testament to the dangers implicit in policies that seek to resolve border disputes through the brandishing of ever more destructive forms of weaponry. China's support of other countries' nuclear weapons programs is extremely dangerous. Its support of their development of the means of delivering those weapons is even more so.

The one true consensus in the realm of national security affairs is the danger of proliferation of weapons of mass destruction and their means of delivery. A cloud will continue to hang over U.S.-China relations until we are confident that China respects our concerns, as it expects us to respect its concerns. We should certainly not be exacerbating that problem through exports of our own to China that benefit its military-industrial complex. Administration policies in this regard deserve the close scrutiny they are now receiving.

China will always act in its self-interest. It will always view the world through the prism of its own unique history, and through its own unique culture. Such perspective does not excuse its repressive domestic policies, and U.S. policy ought not make allowances for those policies. We should be under no illusions that China will be a strategic partner; in all likelihood, it will not. It is a relationship that should be managed, and that should start from the premise that Chinese foreign policy will, at times, run counter to our own. Our export policy must take that into account, even if that comes at the expense of business.

Mr. President, it is sometimes said that the business of government is business. It is not. There is no constitutional prerogative for governmental intervention in the marketplace. There is a constitutional prerogative to provide for the common defense. As in any area of life, to some degree there is an element of balance that needs to be maintained. The current Administration's great failing is its inability to appreciate that fundamental requirement and to provide for the common defense. We should and do work with China for our mutual benefit. We must do so, however, without losing sight of the nature of the Chinese regime. President Jiang may prove an able leader; effusive praise usually reserved for Jeffersonian democrats, however, obscures the depth of the chasm that remains in the Sino-American relationship and the origins of the leadership of the Chinese Communist Party. That is not ideologically-driven rhetoric; it is a view of a dictatorial government through the prism of history.

I yield the floor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I thank my colleague from Arizona for

his remarks. For a moment, I want to respond to some of what my colleague from Arizona said. He need not stay, but I did want to amplify on some of his remarks.

I have had the honor of being able to work closely with Congresswoman PELOSI, who I think has been a very courageous leader in the human rights area. I have worked with a lot of human rights organizations, and Wei Jingsheng and others in China, who have had the courage to speak up. I, too, want to give credit where credit is due. I think it is terribly important that the President speak out about human rights—terribly important. I think it was perhaps even more important that this was on television and radio and people in China had an opportunity to hear this discussion.

I also believe, however, that really the question is, What next? I think that is really the question in regard to the whole issue of weapons of mass destruction and exporting of technology—dangerous technologies—in regard to trade. I think last year China exported something like \$40 billion worth of products to our country and we exported \$15 billion to China. That is clearly a policy that doesn't serve the people in our country well at all.

I think also in the human rights area, which is very near and dear to my heart, I wish the President had met with some of the human rights advocates in China. I wish he had met with some of the families of the victims of Tiananmen Square or, for that matter, of those who are now in prison. But most important, on the "what next" part, I really hope that we will see some changes. There are, at minimum, some 2,000 men and women in prison in China just for the practice of their religion or because they have spoken out; many have spoken out for democracy, which is what we cherish in our country. We just celebrated 222 years of our noble experiment in self-rule. Those prisoners of conscience should be released.

We meet all the time in our country very courageous men and women, now living in the United States of America. Many of them can't go back to China. They have been "blacklisted." They should be able to go back to their country. It is not enough to say, because the Government released Wei Jingsheng, who served 16, 17, 18 years in prison because he had the courage to stand alone and to speak out for democracy, that this represents progress, because he is now in exile. He can't go back to his country to see his family, to see his loved ones.

Quite clearly, the discussion about Tibet was good, but what we absolutely have to see are some negotiations with the Dalai Lama, a specific timetable to put an end to what has been absolute pressure on the people in Tibet. Last year, things got worse in Tibet. There has been no improvement whatsoever in human rights. Every time I have an opportunity to speak out about human

rights on the floor of the Senate, I don't miss that opportunity.

I say to the President that I appreciated someone who was pushing and pushing the President to speak out on human rights. I am glad he did. I think the credit should be given to the President for raising a lot of other terribly important questions that deal with our national security and our national defense. I also believe, however, in the human rights equation, which I think should be part of the foundation of our foreign policy. The whole way we need to measure the success of the President's trip is, what next? What next? The proof will be in the pudding. We have to wait and see. We have to continue to press and press and press.

#### INTERNAL REVENUE SERVICE RESTRUCTURING AND REFORM ACT OF 1998—CONFERENCE REPORT

The Senate continued with the consideration of the conference report.

Mr. WELLSTONE. Mr. President, I know I am going to be joined on the floor in a moment. I had a chance to speak earlier today on the floor of the Senate. But unless there is some tabling motion—and there may not be opportunity for full debate and discussion—I told my colleague from Washington that I would just begin to speak about an issue that she is going to raise on the floor of the Senate. I guess the Senator from West Virginia, Senator ROCKEFELLER, will also speak to this because he has been raising this question over and over again. The three of us really have focused on this.

This, again, has to do with what I talked about earlier today on the floor of the Senate—compensation to veterans with tobacco-related illnesses.

There was the hope on the part of the veterans community—the Chair, I think, would be interested in this—that there would be compensation to veterans having to do with addiction to tobacco. That is to say, in many ways it was handed out like candy. These veterans say, "Look, if there are going to be rules for compensation, the same rules should apply to us." That seems fair to deal with some of the health care struggles and illnesses with which they have to deal.

That was the first preference. I want to go on to add—now I am speaking for myself—if not direct compensation for veterans, then at least the money that is saved by not providing that compensation should go to veterans. The Office of Management and Budget, I think, estimated savings of something like \$17 billion. I personally think that is too high an estimate, but that is a whole other issue. But if not the \$17 billion for compensation, then at least it seems to me that money ought to go to veterans' health care.

I could spend hours and hours—I will not—talking about all the ways in which veterans fall between the cracks. I actually found this to be, I think, probably the greatest education I have

had since I have been a U.S. Senator, having to do with my dealings with veterans. I have been just amazed by how much veterans really need health care coverage, and it is not provided; veterans that are homeless; veterans struggling with PTSD, on and on. I think there is a whole lot that needs to be done.

Let me say to those who follow veterans' health care issues that we have a flat-line budget that does not take into account really the inflation in medical costs, and I don't think takes into account demography, because more veterans are living to older age. We have a reliance on third-party payments that I am not sure is going to come through. If we ever get back to the VA housing bill—I hope we will—I will have an amendment that deals with that. We have, as I said before, a population that is living to be 85 and beyond, and I don't think we have figured out yet what to do about that.

We also have the problem of compensation for atomic veterans who have been waiting years for justice. I intend to be out here with a piece of legislation for an up-or-down vote on this. These are men and women that went to ground zero in Nevada and Utah without any protective gear. So many of them have died from cancer. So many of their children and grandchildren have had illnesses. So many of them have struggled. We should expand the list of radiogenic diseases that are covered, that are presumptive diseases, because they still aren't getting compensation. It was a terrible thing the government did. It was a terrible thing. We lied to them. They should have been given protective gear. They should have been told what they were going to be exposed to. They weren't.

My point is that on each and every one of these issues, whether they get direct compensation or not, at the very least that money ought to be put into veterans' health care. Instead, what happened is when the ISTEA highway bill went from the Senate to the House, all of a sudden a whole bunch of new projects got added on. The question becomes, How can we afford it? What is the "offset"? For those watching this discussion on the floor of the Senate, that means, Where do you get the money from? Where the money was taken from was the \$17 billion that the veterans community thought would, in fact, go to direct compensation for them and their families, or at the very least would go into veterans' health care. That is exactly what happened. That is what happened on the bill.

When that bill came back here, when it passed the Senate, I voted against that bill. Then for complicated reasons there were some changes that needed to be made in a technical correction bill, and Senator ROCKEFELLER stepped forward. I was pleased to join him. And he said, "Look, when that technical correction bill comes before the floor of the Senate, I will have an amendment to essentially knock out the pro-

vision that took \$17 billion, or however you score it, away from the veterans community." We went through a debate on this. We reached an impasse.

The majority leader then decided the way he would deal with this is we would just put the technical corrections for the highway bill in the IRS conference report. So this conference committee dealing with this Internal Revenue Service bill essentially took the technical corrections for ISTEA and put it into the IRS conference report, which means we can't amend it.

So when Senator MURRAY comes to the floor of the Senate, she is going to be, I think, appealing the ruling of the Chair. She is going to talk about what happened having been outside the scope of the IRS conference committee. In other words, there was no chance for discussion on the technical corrections bill about what happens to veterans compensation and health care, and so on and so forth. The technical corrections just got put into the IRS conference committee.

So we will have that debate on the floor of the Senate. Senator MURRAY will be out here taking the lead. I thank her for that, because I actually think that what was done was a real injustice.

Let me say to colleagues, I think the Congressional Budget Office scored this at about \$10 billion, and then the OMB scored it at \$17 billion. In some ways, it gets to be sort of funny money. But in any case, the higher figure was chosen because that gave some of our colleagues the opportunity to load more projects onto the ISTEA highway bill and gave them more of an offset. But in all due respect, I say this to all of my colleagues, the veterans community is going to hold us accountable on this.

I hope people will listen very carefully to what Senator MURRAY has to say, and I hope we have an initiative similar to the initiative which Senator DORGAN took. And we will have a very strong vote.

For my own part, if we don't win on this—and I hope we do—I think it ought to go back to conference committee. I think this provision dealing with the technical corrections should be knocked out because I think we should have a separate vote on the technical corrections bill. Then we should be able to come out here with an amendment and have an up-or-down vote as to whether or not the \$17 billion that should have gone to compensation for veterans and their families, or at least into health care for the veterans community, should or should not be there as opposed to transferring it to the highway bill.

That is the issue. There is no way people here are going to be able to avoid it. One way or another, I think people are going to hear from the veterans community. And they should hear from the veterans community.

So we will shortly, when Senator MURRAY returns, have this discussion. I assume that this question will be before the Senate.

For my own part, if we don't win, though I hope we do win, I think what I want to do is keep coming back over and over again and basically raise the same question and forcing votes. We can have the same votes over and over and over again. People can play around this however they want to. People can vote against the proposition that we honestly ought to have taken the \$17 billion that should have gone for veterans' compensation and health care and kept it there, or people can vote whether it should be transferred to the highway bill for different projects that were added on in the House. We should have a strong vote in the Senate on this question. Or people can vote one way, and then kind of just look the other way while in the conference committee it gets done.

But regardless of what we do procedurally, regardless of what we do process-wise, I want to remind colleagues one more time on the floor of the Senate that this was a real injustice. I don't know how people justify it. I don't know how people justify it.

First issue: The veterans community says, "Look, if we are going to be talking about compensation for people who are addicted to tobacco, do you know what happened to us when we were serving our country? Cigarettes were handed out to us like candy." So we asked for some compensation. We are paying the price for that addiction to tobacco. We asked for the compensation. They don't get the compensation. Then I say, and I think other veterans say this as well, if not the direct compensation, at least over the next 5 years put it into veterans' health care. Put it into the veterans' health care system. There is not one Senator here who spends any time back in his or her State with the veterans community who doesn't know that this is a system in need of reform. Dr. Kizer has moved forward with some good initiatives; some other initiatives I question. I think he has provided good leadership. But we should be doing much, much more. Much, much more.

What about Vietnam vets? More drop-in centers? Senator AKAKA has done a great job of leading the way for drop-in centers for Vietnam vets and other veterans. What about other veterans who struggle with post-traumatic stress syndrome? What about veterans who are homeless, many of them struggling with substance abuse? What about elderly veterans? What about veterans who fall between the cracks, and they don't have a direct service-connected disability illness and they are not low-income and therefore they are not eligible? And so on and so forth.

This is a system that needs to be put on a more solid financial footing. This is a system that needs to do better by way of veterans. This is a health care system that faces many challenges. And what we did is we took the \$17 billion that should have been direct compensation for these veterans who are

addicted to tobacco—or at a minimum should have been put into veterans' health care—and we used the money to offset the cost of a whole variety of different projects, mainly highway projects added on to the ISTEA bill in the House of Representatives. And then when Senator ROCKEFELLER and some of the rest of us wanted to amend the technical corrections bill to knock out that transfer of funds away from the veterans community to highways, we never had the opportunity to do so. The majority leader didn't want an up-or-down vote.

You can do all you want with procedure and process. But you still have to be held accountable. But instead, we got another end run. We have the technical corrections bill folded into the conference report, completely outside the scope, as far as I can see, of any IRS reform bill, thus denying us the opportunity to have an up-or-down vote.

Senator MURRAY will come here and challenge that, saying it was beyond the scope of the conference committee, and we will vote on this issue. I look forward to when she comes out in the Chamber and when we have that vote. And I say to colleagues, please, focus your attention on what was done, because I do not see how we explain this away to people in the veterans community.

I hope I am not boring people with this argument. I keep repeating it over and over again, but I don't see how you explain to people that the money which should have gone to them by way of compensation—and, as a second choice, at least into their health care system—instead got transferred to paying for people's highway projects.

Does anybody want to debate anybody in the veterans community about this? Does anybody want to defend this in any VFW hall or American Legion hall? How about the Vietnam Vets of America? How about the Paralyzed Veterans of America? How about the Disabled American Veterans? How about the Atomic Veterans? How about the Military Order of the Purple Heart? Do any of my colleagues want to defend this? I think this is a tough one, and I hope that we can take corrective action.

I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mrs. MURRAY. Mr. President, let me begin my remarks today by reiterating my strong support for the underlying bill that is before us to reform the Internal Revenue Service. This is a good bill and it is really long overdue. I want to join my numerous colleagues

who have complimented Senator ROTH and Senator MOYNIHAN and others who have worked very hard and long on this legislation. I have listened to my colleagues all day talk about the benefits of that bill, and I add my comments to that in support of that as well.

Despite my strong support for this underlying bill, I am deeply concerned about title IX of this conference report, because hidden deep within this bill in title IX is language to take some \$17 billion from America's veterans. Several of my colleagues have been addressing this issue today, and I associate myself with the remarks of Senator ROCKEFELLER, Senator WELLSTONE, and Senator DURBIN. I know Senator WELLSTONE has taken quite a bit of time to outline what is in this bill, and I thank him for his words, his comments, and his support.

Title IX is the technical corrections language for the transportation legislation. Hidden within that is a provision that takes away disability benefits from veterans whose illness resulted from smoking. Many of these veterans, as my colleagues know, were encouraged to smoke during wartime service with free cigarettes that were provided by our armed services. I am outraged by this language, and I am sure that many of my colleagues in the Senate are as well. I know Senator CHAFEE, who is the distinguished chairman of the Environment and Public Works Committee, has spoken to this issue. I have immense respect for Senator CHAFEE and for his leadership in crafting the very important TEA 21 legislation, the transportation bill that passed. Transportation is a critical and important issue.

However, let me be very clear. I continue to oppose the veterans offset used to fund the increases in transportation. The chairman argued that this is not a controversial matter, that the Senate has already spoken. With all due respect, I disagree. If this issue is so non-controversial, why are we debating it within the IRS reform bill? This legislation has nothing to do with the veterans bill. If this issue is truly non-controversial, then let's have a stand-alone debate on the issue of cutting \$17 billion in veterans' benefits. The technical corrections bill is at the desk. We could have a time agreement on that. It could pass very quickly. It does not need to be included in the IRS reform legislation. It has nothing to do with the IRS reform legislation.

I ask, and I believe all of my colleagues should ask the question, Why on Earth is the IRS reform legislation used to take money from our American veterans? It is a very legitimate question. The original Senate version of the IRS reform did, of course, not target veterans, and neither did the House bill, the IRS reform bill. Somehow the conference committee agreed to add the technical corrections for the highway legislation to this bill on IRS reform. I am assuming that this action was taken at the direction of leader-

ship, since I know that the Finance Committee does not have jurisdiction over the veterans funding issue. The IRS bill is viewed as politically popular and a cinch to pass. That, I would guess, is why the veterans cuts were added to this bill. The proponents of this veterans grab want to avoid accountability. That is wrong, and that is why I am opposed to title IX of the underlying bill being included in this bill. The proponents figured that we would just roll over and accept these wrongful cuts because everyone wants to reform the IRS.

I have been fighting this veterans grab all year. It was in the President's budget, and I opposed it. At the Budget Committee, I voted against Democratic and Republican proposals that included these disastrous cuts to veterans health. On the Senate floor, I voted against the budget one final time in opposition to these cuts to veterans. During consideration of the budget, I was pleased to join with Senator ROCKEFELLER and others to fight against these cuts. I voted against the Craig-Domenici amendment to validate the \$10 billion cut in veterans funding. Sadly, the Senate budget resolution paved the way for the transportation bill to use the veterans savings to offset the increased transportation funding.

I want to be sure that my colleagues are aware that the technical corrections language punishing veterans that is included in this IRS bill is opposed by virtually every veterans service organization. Many of them have written and contacted me in opposition to the cuts, including the American Legion, the Veterans of Foreign Wars, the Paralyzed Veterans of America, the Vietnam Veterans of America, and the Disabled American Veterans.

Senators need to know that this issue has touched a nerve with America's veterans. They are deeply offended that the Congress and the administration would divert money targeted to care for sick veterans to pay for other spending priorities. This issue is not going to go away. America's veterans and many in Congress will continue to fight this battle. We simply must revisit this issue and do the right thing for America's veterans, and the time is now. The best way to do that is to remove the language from this non-related IRS reform bill and vote on the issue separately.

I ask unanimous consent now to have printed in the RECORD a letter from the American Legion that I recently received.

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

THE AMERICAN LEGION,  
Washington, DC, July 2, 1998.

DEAR SENATOR: The American Legion ask you to recommit the IRS Restructuring conference report back to the conferees with instructions to strip out H.R. 3978, the technical corrections language to the Transportation Equity Act for the 21st Century (TEA 21).

Urge the Senate leadership to allow H.R. 3978 to be debated on the floor as a stand alone bill. Also encourage the Senate leadership to allow an "up-or-down" vote on Senator Rockefeller's amendment to H.R. 3978 that would strike the veteran's disability compensation offset included in the TEA 21 highway legislation. The TEA 21 correction bill should not be part of the IRS Restructuring conference report.

Subsidizing the highway trust fund with \$15.4 billion in offsets from veterans compensation is just plain wrong. This is a grave injustice to America's disabled veterans who became addicted to tobacco during military service. The suggestion that approximately 500,000 veterans would file tobacco-related claims each year is ridiculous. Since 1993, approximately 8,000 veterans have filed claims for tobacco-related illnesses and less than 300 claims have been granted.

The American Legion fully acknowledges that Members of Congress recognize and appreciate veterans' contributions to our country. Unfortunately, many legislators have not been provided an honest opportunity to cast a fair vote with regard to veterans suffering from tobacco-related illnesses as demonstrated by the recent vote on the TEA 21.

Once again, The American Legion ask you to recommit the IRS Restructuring conference report back to the conferees with instructions to strip out H.R. 3978, the technical corrections language to TEA 21. Encourage the leadership to debate H.R. 3978 as a stand alone bill and ask for the opportunity to have an "up-or-down" vote on the Rockefeller amendment. Veterans and Members of Congress deserve a fair vote! Thank you for your consideration in this matter.

Sincerely,

STEVE A. ROBERTSON,  
*National Legislative Commission.*

Mrs. MURRAY. Mr. President, the Legion again urges all U.S. Senators to reject this language targeting veterans. I implore all Senators to review this letter before casting a vote today on this issue. I am here to urge my colleagues to join me and others to free America's veterans from the IRS reform legislation. Free the cuts in Veterans Affairs to a genuine and a very public debate.

We are going to have a vote on this issue today. Regardless of whether it is procedural or a straight-up vote, one thing is very clear—it will be a veterans vote. I ask my colleagues to vote with me and with America's veterans.

#### POINT OF ORDER

Therefore, Mr. President, I make a point of order that title IX of the conference report is outside the scope of the conference, pursuant to paragraph 2 of rule XXVIII of the Standing Rules of the Senate, which states:

Conferees shall not insert in their report matter not committed to them by either House. . . . If new matter is inserted in the report . . . a point of order may be made against the report, and if the point of order is sustained, the report is rejected. . . .

The PRESIDING OFFICER. The point of order is not sustained.

Mrs. MURRAY. Mr. President, I appeal the ruling of the Chair.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, at the proper time I will move to table the appeal of the distinguished Senator from the State of Washington, but I want to let people debate on this. Obviously, a motion to table is not debatable, so I am not going to raise the motion to table until everybody has had a chance to have his or her say here.

Mr. President, I would make a correction, if I might, to what I understood the Senator from Washington was saying. She seemed to indicate that this technical corrections measure that is included within the IRS reform—she indicates it takes \$17 billion from veterans. I argue, of course, whether there is any taking from veterans at all, period. But the important point is that the technical corrections measure is strictly a technical corrections measure. The \$17 billion that the Senator from Washington is referring to was a provision that was in the conference report on H.R. 2400—in other words, the conference report on the transportation legislation which I like to call ISTE II.

That was adopted by the Senate here, 88 to 5. That is where we handled that particular measure. Then we came to the technical corrections, and there, those technical corrections indeed do deal strictly with technicalities.

As perhaps some will recall, we finished that bill on a Thursday evening; we finished the negotiations with the House of Representatives. Everybody was anxious to get off on the Memorial Day recess, and the staff and all worked all night long and came forward with the so-called H.R. 2400, the ISTE II, if you would, on Friday, the day after we negotiated late into the evening.

There we voted on the printed version, which was, to the best of our ability, correct. But there were technical mistakes in it. At the time, we recognized that there would be. But there is nothing, no technical mistake about the money that, through a general counsel's opinion, had been going to the veterans. That was taken care of, in the legislation that we voted on, on that Friday. And this technical corrections measure has nothing to do with that.

So I am not quite sure why the distinguished Senator from Washington refers to this technical correction measure as taking \$17 billion from veterans. It just plain does not do that. We believe that the technical corrections that are included in the IRS reform bill are strictly technical and noncontroversial.

By the way, I didn't flesh out the part about what a monstrous job this was, not only finishing it on that Thursday evening, the negotiations and voting on the bill, but it is a 900-page bill. It presented tremendous challenges, and inevitably some errors were made.

This technical corrections bill which has been developed jointly by us—the Senate and the House conferees, with some input from the U.S. Department of Transportation—is truly a technical corrections measure. It doesn't do anything with formula allocations.

It is true that this veterans thing gets very, very confusing. The general counsel of the Veterans' Administration came forward with a decision that would have greatly enlarged the benefits that were available to those who had smoking-related illnesses.

By the way, that never truly went into effect. There were some who made applications for grants or benefits under it. But to the best of my knowledge, I don't believe anybody actually received benefits. Their requests were being considered.

The administration itself realized that this went way beyond anything they were intending, and the administration itself pulled back from that general counsel's decision and reversed it. We—that is the Senate of the United States, the Congress—went along with that reversal and used those funds that would otherwise have been available for general purposes for this transportation legislation.

Mr. President, I think it is a mistake to suggest that this technical corrections measure is anything other than what it is labeled, a technical corrections measure that covers some of the problems that were raised as a result of the haste that we were under with this massive legislation when we were trying to recess for the Memorial Day recess.

I don't know whether there is further debate to take place on this. I am not trying to cut people off preemptorily. If the Senator from Washington has further comments, I will give her an opportunity to speak if she wishes.

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, let me simply say the chairman states correctly that the transportation bill did go through in a hurry right before a recess, and we are now looking at technical corrections to that bill. That bill is at the desk, and we should have an opportunity to take a look at it, offer amendments, and vote it up or down.

Being as it is included within the IRS conference report, we don't have the ability to do that. I think many Members would very much like the opportunity to speak out on this issue. As we went home for the Fourth of July recess, many people heard from veterans in their States who are outraged this was included in the transportation bill. They would like the opportunity to make their voices heard on that.

If we are able to override the ruling of the Chair, we will have the opportunity to do that. That is simply what we are asking for today. It will not hold up the IRS reform bill. We can simply move that next week. It will allow Members to make their statements known and their views known on

a very critical issue to many veterans in our country.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I wonder if I might ask the floor manager a question.

Mr. CHAFEE. Certainly.

Mr. DOMENICI. Is it not true that one of the technical corrections has to do with the fact that those who helped write the provisions of the law that attempted to rescind the general counsel's regulation expanding benefits for those who smoked while in the military, that in doing that, actually the drafter expanded that to reduce other benefits that were for veterans who were never even intended to be covered? That is one of the technical corrections, to return it to what it should be, rather than to have an expanded reduction in benefits that go to veterans. Is that not true?

Mr. CHAFEE. The Senator from New Mexico is absolutely correct: Set aside the big expansion of the program that took place as a result of the general counsel's opinion. Set that aside. There were some veterans receiving benefits under other programs that were related to smoking disability problems that occurred while they were on active duty.

Inadvertently, the language in the original legislation—that is the ISTE A conference report—eliminated some of those benefits. This technical corrections bill that we have before us will straighten that out and restore those benefits. In an odd way, should the Senator from Washington prevail and this technical corrections measure be eliminated in some fashion, it will result in a failure to cure a problem that has arisen inadvertently.

Mr. DOMENICI. I thank the Senator.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, I rise to note with great pleasure that I will have to support the conference committee report for the reason that the Senator from Rhode Island has just stated in response to the question from the Senator from New Mexico. As now provided, absent these technical corrections, we will have existing benefits to veterans taken away.

I am correct in my understanding, am I not, that there are existing benefits which would be canceled in this way. I am not the least happy about the administration's decision to override the ruling of the general counsel of the Veterans' Administration, but that is history. What we have here is the correction that will really be a clear injustice to a many great persons, never intended by anybody.

So, Mr. President, I will have to support the conference report and vote for the motion to table.

Mr. ROCKEFELLER. Mr. President, I thank the distinguished Senator from Rhode Island. I happened to be upstairs in the Hart Building working on some-

thing else and listening to Senator PATTY MURRAY from the State of Washington raising this very strong argument about veterans. I previously spoke on veterans; therefore, one might think I wasn't going to come down and give the same speech again. But when I heard the powerful argument from the Senator from Washington and I heard some of the responses, the Senator from West Virginia had to come down, because this is really the only way that we can protect veterans. We have no other choice.

I believe the Senator from Rhode Island—although I didn't hear him say it, I know he said it in the past—this is somehow expansion of the benefit, this is some new benefit that goes to veterans. I don't know how to make this clear, but what we are talking about here is that, through however it worked, the legislators who were working on this particular piece of legislation, that started out with ISTE A and now has come to the IRS conference report, rescinded current law.

They took current law which says that if you go through all the steps that you have to go through in the VA to prove that you are a disabled American veteran by virtue of your addiction to nicotine and that it was caused and continued and it was because of your service, and all of these steps that you have to go through, that you are entitled to appropriated funds.

I will agree it is not money that comes from highways. I have always said this is not money that comes from highways, either ISTE A I or ISTE A II. But we have rescinded current law and, therefore, veterans are being denied and will be denied—unless as the distinguished Senator from Washington is trying to do in making a point of order—disability benefits which are rightfully theirs under current law.

How do we come to this point? How do we allow ourselves not to correct this? It is not a matter of spending money. It is not a matter of taking money away from this or that highway project. It never has been. It is simply reinstating current law which, in fact, at this particular moment only affects 300 veterans throughout the United States of America, because out of the 8,000 who have applied for this disability, only 300 to this point have made it.

Now, I think we are probably talking about \$200 or \$300 million total. The administration, of course, participated in this sham by coming up with this \$17 billion. Then it was \$10.5 billion. And who knew what it was, which was basically to pay for programs which they wanted. Unfortunately, the majority party joined in on this.

So here are the veterans with nobody to speak for them, with no legislative tools available to them, left on an unamendable conference report on IRS which has nothing to do with veterans. And the Senator from Washington is doing the only thing that she can do in her desire to protect veterans, keeping their current law ability to use appro-

priated funds to pay for their disability benefits. That is what the Senator from Washington is trying to accomplish.

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. I know the Senator from Rhode Island wants to move to a vote on this. Let me just conclude by saying that veterans know this issue very clearly. They know that the language we have included in the IRS reform validates the cuts to their ability to get health care, if they were smoking when they were young and they now have disabilities due to that.

They are very clear on this vote. They are very clear in what they are saying to us. They were very clear to me over the last month. This bill, if we vote on it this way, will cut the health care benefits of many of our service people who started smoking when they were young.

I think that the veterans are going to be watching this issue closely. I hope that my colleagues will support me on this so that we can move to separately deal with the technical corrections bill in a way that does not undermine the health care benefits of the many veterans across this country who served our country well.

Mr. CHAFEE. Mr. President, I do want to stress, once again, as I said before, that killing the technical corrections bill is not going to restore any \$17 billion. The technical corrections bill has nothing to do with that. It does not mention it, does not involve it at all. That was all taken care of in the conference report.

Indeed, we voted three times on that measure. We voted on the whole matter of the \$17 billion being used in connection with the ISTE A II legislation. We voted on it twice in connection with the budget, and we voted on it once when we did the conference report here.

So, Mr. President, I do want to stress that should Senator MURRAY's appeal of the ruling of the Chair be successful, the entire IRS reform bill would effectively die. And so I urge my colleagues to uphold the ruling of the Chair.

I now move to table Senator MURRAY's appeal of the ruling of the Chair.

Mr. DOMENICI. I ask for the yeas and nays.

Mr. ROCKEFELLER. Would the Senator yield?

Mr. CHAFEE. Yes.

Mr. ROCKEFELLER. Would the Senator not agree that if the Senator from Washington prevailed on her point, that, in fact, it would not vitiate the IRS bill, but would simply mean that the conferees would have to go back, the conferees themselves, and do this work and perhaps straighten out the veterans situation and then come back to us?

Mr. CHAFEE. My understanding is there are no House conferees. The conference has been dissolved.

Mr. ROCKEFELLER. That does not mean there could not be new conferees. I mean, this is an important point.

Mr. CHAFEE. Well, it is a complicated way of proceeding, but it is my understanding that this would actually kill the IRS reform.

Mr. ROCKEFELLER. This Senator believes that is incorrect. It would simply be the reestablishment of the conference committee, which could then clear up this matter which the Senator from Washington is trying to clear up.

Mr. DOMENICI. Mr. President, would the Senator yield for 1 minute?

Mr. CHAFEE. Sure.

Mr. DOMENICI. Let me make a point to the Senate. If you do not table this, and you accept the proposal of the distinguished Senator from Washington, you have done two things—both of which are probably very, very bad for our country: One, you will kill this bill; secondly, you will dramatically cut veterans' benefits beyond anything anybody intended. Because to eliminate these technical corrections, you leave in place a law that is signed. The highway bill is signed into law, and it has a mistake in it. And the mistake dramatically cuts veterans' benefits beyond what was intended.

So it may not be the intention of the sponsors, but you will accomplish two things, and I just stated them. And I believe that is the case.

I yield the floor.

Mr. ROCKEFELLER. Would the Senator yield—

Mr. CHAFEE. No. I would like to press forward with the—

Mr. ROCKEFELLER. Simply because it is this Senator's judgment that what the Senator from New Mexico has said is in two respects incorrect. This Senator would like to simply give his opinion, and that would be that, No. 1, the ISTEA bill would in no way be affected. That is signed. It would in no way be affected. Second, the IRS bill would in no way be affected at all. It is simply a matter that the conferees—again, new conferees—would come back, not debating the IRS bill, but simply clearing up this matter which is of extreme importance to this country's moral obligations to veterans.

Mr. CHAFEE. Mr. President, at this time I move to table Senator MURRAY's appeal of the ruling of the Chair. And I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the appeal of the ruling of the Chair. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Texas (Mrs. HUTCHISON) and the Senator from Arizona (Mr. KYL) are necessarily absent.

The result was announced—yeas 50, nays 48, as follows:

[Rollcall Vote No. 187 Leg.]

#### YEAS—50

Abraham	Frist	Moynihan
Allard	Gorton	Murkowski
Ashcroft	Gramm	Nickles
Baucus	Grams	Roberts
Bennett	Grassley	Roth
Brownback	Gregg	Santorum
Burns	Hagel	Sessions
Campbell	Hatch	Shelby
Chafee	Helms	Smith (NH)
Coats	Hutchinson	Smith (OR)
Cochran	Inhofe	Snowe
Coverdell	Jeffords	Stevens
Craig	Kempthorne	Thomas
DeWine	Lott	Thompson
Domenici	Lugar	Thurmond
Enzi	Mack	Warner
Faircloth	McConnell	

#### NAYS—48

Akaka	Durbin	Leahy
Biden	Feingold	Levin
Bingaman	Feinstein	Lieberman
Bond	Ford	McCain
Boxer	Glenn	Mikulski
Breaux	Graham	Moseley-Braun
Bryan	Harkin	Murray
Bumpers	Hollings	Reed
Byrd	Inouye	Reid
Cleland	Johnson	Robb
Collins	Kennedy	Rockefeller
Conrad	Kerrey	Sarbanes
D'Amato	Kerry	Specter
Daschle	Kohl	Torricelli
Dodd	Landrieu	Wellstone
Dorgan	Lautenberg	Wyden

#### NOT VOTING—2

Hutchison	Kyl
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The motion to lay on the table was agreed to.

Mr. ROTH. Mr. President, I move to reconsider the vote by which the motion was agreed to.

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

The motion to lay on the table was agreed to.

Mr. GRASSLEY addressed the Chair. The PRESIDING OFFICER (Mr. HAGEL). The Senator from Iowa.

#### MORNING BUSINESS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that there be a period for the transaction of morning business with Senators permitted to speak for up to 15 minutes each.

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

Mr. GRASSLEY addressed the Chair. The PRESIDING OFFICER. The Senator from Iowa is recognized.

#### A HISTORICAL TREATISE ON THE FALSE CLAIMS ACT

Mr. GRASSLEY. Mr. President, I rise today to speak about an important issue for the taxpayers of this country. My purpose today is to:

First, inform my colleagues;

Second, alert future Members of this body; and

Third, create a historical public record so that future Congresses will not repeat the mistakes of the past. The issue is the integrity of the government's present and future efforts to stop widespread fraud, waste and abuse against taxpayer funded programs.

The government's strongest and most effective tool against fraud is the False

Claims Act. In recent years, the False Claims Act has been under attack from industries targeted by the government's anti-fraud efforts. Since 1986, when Congress passed amendments that I sponsored to toughen the law, more than \$4 billion has been recovered through the False Claims Act. Hundreds of billions more in fraud have been saved through the deterrent effect that this law has upon those who would betray the public's interest.

In addition to the recovery of money and the deterrent effect of this law, the False Claims Act is important for another, perhaps, more important reason. The fact is that the False Claims Act is being used, day after day, by prosecutors to maintain the integrity of countless federal programs funded by American taxpayers. For example, the False Claims Act is being used in the health care industry to ensure that nursing home residents receive quality care—like enough food.

Nonetheless, this Congress just witnessed an unconscionable assault on the False Claims Act. The law has thus far escaped unharmed. But, there is a "clear and present danger" lurking in the shadows. It is for this reason that I speak today, Mr. President—to chronicle the events that occurred over the past seven or so months.

The perpetrator of this assault on the False Claims Act was the American Hospital Association (AHA). The AHA used its notable clout to systematically and cleverly orchestrate a major grassroots campaign to "gut" the False Claims Act. In the final analysis, its effort fell apart because the approach taken by the AHA lacked an essential ingredient—"credibility." You see, the AHA appealed to a great many legislators by using horror stories from hospitals in their respective states and districts. But the horror stories, in the end, had no bearing on what the AHA peddled as the solution—gutting the False Claims Act.

The correct solution was not to change the law—indeed there was, and is, no problem with the language of the False Claims Act. Rather, the solution was to correct a number of missteps made by the Department of Justice in implementing the law through its national initiatives. The AHA was abundantly aware of this fact. But AHA chose instead to pursue a strategy of bait and switch. The AHA allegedly backed a bill to gut the law simply to strong arm the Justice Department into changing how the False Claims Act was implemented. The strategy succeeded. Unfortunately, it comes at the expense of a serious loss of credibility, in my eyes, for the AHA.

Before describing the events of the past months, some historical context is in order. The False Claims Act was fathered by President Abraham Lincoln. Lincoln had become frustrated by the widespread fraud against the Union Army by defense contracts during the Civil War. Contractors would sell the same horses twice to the Army; they