

The absence of integrity, the absence of responsibility, the absence of accountability—the absence of these cornerstones of what ought to be U.S. policy means that the house of cards being constructed in summitry with China is in danger of collapse. I think if we are really interested in China policy over the long term, we ought to build the U.S.-China relationship on a foundation that demands integrity, responsibility, and accountability.

When the President's presence implicitly accepts atrocities in China, and when the Administration continues to pursue a bankrupt policy of engaging the Chinese at any cost, the interests of the American people are not served and the United States is not served at its highest and best. It is no wonder that individuals on both sides of the aisle have protested this trip. It is no wonder that this is not a partisan issue. Sure, there may be more Republicans who are willing to stand and talk about this now. But in our news conferences together, we have brought these concerns to the President, saying, you are making a mistake with the kind of things that you are intending with this summit.

The President will likely try to come home with some transaction, or some deal, to say that it was an achievement of the summit. But let us not forget that the real purpose of summits ought to be the development of sound structural relations, the kind of underpinning and foundation that will result in the potential for long-term, beneficial, constructive relationships between countries. As long as we ignore the absence of integrity, we ignore the absence of responsibility, we ignore the absence of accountability, it seems to me that we are not building the kind of relationship based on mutual respect.

I would say this: As a minimum, this summit must end with the President returning to the United States with an assurance that United States cities are not targeted by Chinese ICBMs—with some kind of verification to ensure China's detargeting of American cities is genuine.

The Chinese know that they have not acted with the requisite integrity. They know that they have not acted with the requisite responsibility. I think they understand that they have not acted with the kind of appropriate accountability that would provide the basis for the right foundation for a sound U.S.-China relationship. China, in some ways, may not expect to get the kind of relationship that mature nations dealing with one another on the basis of these values would have.

Maybe that is why the Chinese have attempted to influence elections in America with donations to buy the kind of respect they have not earned with good will.

Of all the things I would expect us to demand at the upcoming summit, one is that illegal contributions from subsidiaries of the Chinese Army not come to contaminate the political process in the United States of America.

I want to say with clarity that an important challenge for the United States is to develop sound long-term relationships with important nations around the world. We cannot develop those relationships, however, without the fundamentals of integrity, responsibility, and accountability.

We have in China today a regime whose brutal repression at home betrays its intentions abroad. America should be sounding liberty's bell, not toasting the tyrants who sent tanks to Tiananmen Square and pulled the triggers there.

I believe we need to find a way to make sure that integrity, responsibility, and accountability are the fundamental components upon which our China policy rests. To legitimize Chinese conduct absent those values, those principles, is likely to result in a long-term U.S.-China relationship with more risk than reward, with more difficulty than cooperation.

Mr. President, I thank you for this opportunity. I thank you for the time you have spent in the Chair.

I yield the floor.

#### RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 1:18 p.m., recessed until 2:17 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. COATS).

The PRESIDING OFFICER. The distinguished majority leader is recognized.

#### VITIATION OF CLOTURE VOTE

Mr. LOTT. Mr. President, I ask unanimous consent that the cloture vote scheduled for 2:15 today be vitiated, and the order with respect to the Hatch-Feinstein special order now commence.

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

Mr. LOTT. I observe the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROCKEFELLER. 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. ROCKEFELLER. Mr. President, this Senator asks unanimous consent to be permitted to speak as in morning business.

The PRESIDING OFFICER. Is there objection?

Without objection, the Senator is recognized to speak as in morning business.

Mr. ROCKEFELLER. I thank the Presiding Officer very much.

#### RIGHTS FOR AMERICA'S DISABLED VETERANS

Mr. ROCKEFELLER. Mr. President, I rise today to speak about veterans' rights being bartered away. And I hope that my colleagues both here on the floor and in the various parts of the Capitol will listen to what I have to say, because it may be the last time this can be said.

These rights for veterans are being bartered away in back room deals; they are being done without full Senate consideration; they are being done without amendments; they are being done without the public's knowledge; they are being done in a way which is, to me, shocking. I am referring to the denial of veterans' disability rights that was enacted as part of TEA 21 and the process which is now going on with regard to the technical corrections bill, which is needed to amend drafting errors that were made to TEA 21.

Mr. President, I have been in the Senate now for 13 years. I have been very honored to serve on the Veterans' Affairs Committee. It is part of my Senate service that has truly made me proud. I am proud to be helping real people with genuine human needs. Coming from a great State like West Virginia, which, like the Presiding Officer's State, places great honor on military service, and in serving on the Veterans' Affairs Committee, both of these things have allowed me the opportunity to learn a lot about the sacrifices that millions of our brothers and sisters have made to preserve the freedoms that we too often take for granted. They have earned our respect in ways that many of us will never know, God willing.

I am proud to serve veterans, and I hope to continue to serve them however I can. But I am not so proud of the way this Congress—this Senate—is treating disabled veterans this year, and I wish to talk about it. I am, in fact, ashamed for all of us in the Senate. It is not a pretty story. It makes me very angry, and it makes me very sad. America's veterans—indeed, all Americans—are being subjected to an unprecedented money grab, a shell game, conducted behind closed doors, as part of the highway reauthorization process.

Mr. President, veterans have earned better treatment than they are getting. They have earned more from their Government than a process that denies them their rights without any accountability—They have earned more than a process that is out of control. I repeat, this is a process in which all of the American people are being harmed by what is being done to veterans behind closed doors.

My colleagues all need to know the truth of this. Why is it that we are now willing to look the other way when a conference report grossly exceeds the scope of the underlying original legislation? As my colleagues know, I have been fighting for many months to correct the injustice that we do this year

to veterans. It is my duty, Mr. President; it is my right to do so as a single U.S. Senator; and it is my obligation.

Mr. President, we bestow upon the Republican leader the power to control the matters that are brought before this body. If the Democrats control, then the Democratic leader does it. If the Republicans control, the Republican leader has that authority. It is awesome authority. It is an awesome responsibility. But the leader has failed veterans this year.

Why does the Republican leader continue to use his power to deny full Senate consideration of H.R. 3978, the highway corrections bill? What is he afraid of? Why has the leadership turned a deaf ear to America's veterans who have been calling and writing to all of us to petition to have this bill brought to the floor? Why is it that the Republican leader will not give us the opportunity to offer an amendment to H.R. 3978 which would restore veterans' disability rights that were cut off to pay for unprecedented increases in highway funding?

Instead of bringing this bill to the floor for debate and for a single amendment—30 minutes; that is all I ask for, 30 minutes equally divided—the majority leader has simply said that he will find another way to pass this bill—quietly, covertly, out of the light of day and out of the sight of veterans. It is not a pretty sight. That other way, we are now told, will probably be the Internal Revenue Service restructuring conference report that is slated to come to the floor soon.

Now, as all of my colleagues know, when a conference report comes, it is unamendable. So it is a winning tactic. You want to get something passed, you put it into a conference report—and nobody knows about it; and nobody even knows where the conference committee is getting its directions—you put it in, then you bring it to the floor. Nobody can amend it, because it is called a conference report. It is sacred on this floor. It is unamendable, evading the usual process that would have allowed this issue to be fully aired and debated in the Veterans' Affairs Committee, the authorizing committee which has jurisdiction over veterans' compensation matters.

The highway bill conferees this spring took away a benefit that had been granted to disabled veterans under existing law—there is no new program here, it is under existing law. The conferees took something away from disabled American veterans—found disabled because of their inservice smoking addiction, having passed through a terrific series of tests which eliminate virtually all of them.

Now, once again sidestepping the regular process, the Internal Revenue Service restructuring conferees will fail to restore the benefits cut in the highway bill. It will be done at the direction of the Republican leader. And I know something whereof I speak, because I have talked with some of the

conferees. That is why I am here to share my sense of outrage with my colleagues.

This is a critical issue of justice and fairness to people who are addicted because of the efforts of the U.S. Government in part, and in some cases in full. And every moment that we wait to correct this injustice, veterans and their families are irreparably harmed.

Right now, the Department of Veterans Affairs is holding veterans' smoking-related disability claims in abeyance, just holding them until this corrections bill is passed. And when I say this "corrections bill," I am talking about a corrections bill we will probably never see, we will never have a chance to debate; there will be no 30 minutes equally divided; there will be no up-or-down vote so Americans will know where people in the Senate stand on this matter—because it is being done in quiet.

All of this means that the VA is not deciding any of these claims.

Some were filed over 5 years ago and those folks have already been waiting all of this time for decisions. Their lives are on hold. Some claimants will have died. In fact, I suspect a lot of them will have died waiting for a decision. Some of their widows will have lost their homes since they did not have a VA check to make ends meet because the veterans' disability compensation has been cut off in secret. Every day that we wait, another veteran or a widow is irreparably harmed. We can't go back, but we can help those who are still waiting.

Let's review the history of what happened here. I understand the Senate wishes to do other things. That is of no concern to me at this moment. What I am concerned about is these people and their future. In a disingenuously conceived fiction, the Clinton administration and the Budget Committee this year created some imaginary "savings." It was a lovely scheme.

I had all the OMB people in my office coming to tell me about the wonderful things that they were going to do with this money and that it would be used to help pay for all the President's projects in his budget, but they were doing it at the expense of disabled American veterans who, until recently, under current law, had the right to file disability claims if they are addicted to nicotine because of the U.S. Government. So they create imaginary savings. The Clinton administration did this, first, by increasing the budget baseline by an artificially inflated, absolutely unrealistic, ridiculous estimate of the cost of disability claims of veterans suffering from smoking-related diseases, and then at the same time by proposing to change existing law to bar disabled veterans from receiving this compensation. Well done, well done. The paper savings they created were then used to fund a huge increase in the highway bill.

Now, these savings, Mr. President, you have to understand, are not real.

This is a big shell game. They exist on paper only. They are based on an estimate of 500,000 veterans who would file tobacco-related claims each year. As I have said, so far a total of 8,000 have applied and only 300 claims have been granted. So you can now grasp the ridiculousness of the estimates on the part of the Clinton administration—but still, they came over and argued this. There were calls from the White House, calls from OMB, visits from the White House, visits from OMB.

Experience indicates there is no factual basis for this ridiculous estimate. The reality, as I will say again, is that only 8,000 veterans have filed such claims over the past 6 years. So you can see these numbers are totally pie in the sky, merely a self-interested guess, a self-promoting guess by OMB.

Make no mistake about this, the huge increase in highway spending is, in fact, being paid for by make-believe savings, paid for by a devious fiction which is really spending of the surplus which we all so jealously claim to be protecting. Shame on every one of us, all 100 of us. Shame on us for perpetrating the fiction and then for cutting off of the current law for disabled American veterans who are disabled due to tobacco-related illnesses.

Although based on fiction, the impact of this number shuffling is very hurtful and real. The benefit that has been granted to disabled veterans under existing law has been summarily eliminated by a sleight-of-hand action, without consideration by the authorizing committee—which has jurisdiction, I might add, over compensation issues—in a complete mockery of our budget process and of regular order in the Senate.

We have created new ways of doing things in this body in order to avoid this issue. Now this is what I have called a midnight raid on veterans' benefits. I have used these and other words in the past and I could use stronger words. To put it bluntly, America's veterans have been wronged by back-door trickery. Funding for the veterans' benefits have been cut; imaginary savings have been diverted to pay for highways; and veterans' disability rights have been placed in jeopardy.

No, it is not too late to correct this. It is not too late to correct this injustice done to disabled American veterans. The necessity of passing a technical corrections bill to the highway bill provides the opportunity to do just that. Those interested in the highway projects listed in the corrections bill are very interested in passing this bill. So believe me, we are going to pass it. It is probably going to come to the floor attached to the IRS Restructuring conference report. Or it will come attached to something else. In any case, there will be no chance for the disabled veterans, but plenty of chances for more Federal dollars for highways.

The amendment I offer would strike the veterans' disability compensation

offset from the underlying conference report on H.R. 2400. I have requested that it be put to an up-or-down vote so that America's veterans can see, in the light of day, where their elected representatives choose to stand on this issue.

Now, let me be clear what my amendment would and would not do. First and foremost, be assured my amendment strikes no highway project. These projects are already in law. My amendment would fully preserve each and every highway dollar and project that was included in the highway bill. I voted for the highway bill. I support highway funding. I come from West Virginia. Only 4 percent of the land is flat. You think that we don't need roads? Not a single project in West Virginia or any other State will be affected in any way, shape or form by this. Why? Because the projects will be funded through the appropriations process.

Second, my amendment would not trigger a sequester. That is one of the contentions of those who would deny disability benefits to veterans. It is untrue. My amendment is protected by the same budget trickery, to be honest, that covered the TEA 21 bill and that waived certain provisions of the Gramm-Rudman Act.

Third, the amendment I propose does not provide any new benefit to any veteran. It merely restores the state of the law prior to the enactment of the highway bill. The law was based on interpretation of VA's existing obligation to veterans to provide compensation for smoking-related illnesses. Veterans who file claims for smoking-related illnesses would have to meet the same legal and evidentiary requirements as claimants for any other service-connected disability. The test to establish these claims is, as I have indicated, very tough. I remind you, only 300 have passed so far.

The veteran must prove that the addiction to use tobacco began in the military service, that the addiction continued without interruption, and that the addiction resulted in an illness, and that the addiction resulted in a disability. He must prove all of that. Eight-thousand have tried and 300 have been successful. Easy test? Not quite.

It is imperative that the correction bill be brought to the floor where it can be debated and amended. If TEA 21 is permitted to stand uncorrected, an entire category of veterans' disability rights will be eliminated. Even claims of veterans who became ill with tobacco-related illnesses while on active duty will be cut off. And smokers' claims for conditions that may be associated with tobacco use, but are also presumptively service connected—please hear this—based on exposure to Agent Orange or radiation, may also be cut off. What are we doing here?

Moreover, in a provision that truly adds insult to injury, the conference report makes tobacco use in the military an act of "willful misconduct." Do

you know what that means, Mr. President? It means that veterans are justifiably outraged that smoking could be considered "willful misconduct," equating smoking with alcohol or substance abuse. They feel betrayed by a Government that encouraged smoking during their service, and now would turn its back on the health problems that resulted.

If H.R. 3978, the corrections bill, is allowed to go forward as drafted, and unamended, veterans and their survivors will forever lose their ability to seek compensation for tobacco-related deaths or illnesses resulting from nicotine dependence that was incurred in service. These veterans will lose their ability to get VA health care. Veterans with service-connected conditions receive priority free health care. If you add it up, if service connection for compensation purposes is barred, using CBO numbers, there will be about 700,000 veterans who will very possibly be turned away from access to VA health care.

The Government's role in fostering veterans' addiction to tobacco during their military service is well known and much "untalked" about in current weeks. Smoking was thought to calm the nerves. I had lunch with one of my best friends the other day, and he told me that back in World War II he was given free cigarettes in C rations and K rations, and discounted cigarettes—cigarettes which didn't have any warning on them until 5 years after the FDA required that they be put on civilian packs of cigarettes. No; they were encouraged to "take a smoke break, relax, calm yourself. Sure, this is battle and training and it is stressful, but this cigarette will help you." The voice of the U.S. Government was speaking.

So all of this represents a shameful abuse of the trust of our young service members. How can we now turn around and call a behavior encouraged by our Government "willful misconduct"? How do we do that? How can we turn our back on these veterans' need for health care? Well, we are doing it by ignoring the consequences of the highway bill and by ignoring America's veterans.

There has been a lot of talk about veterans and smoking in the last few months. As you know, this Chamber adopted an amendment to direct a portion of the proceeds from the tobacco bill—if we can remember that far back—to VA health care. That action, of course, is now meaningless. Senator MCCAIN was for the amendment and so was I. The amendment was for health care, not compensation for the disability of veterans made ill by tobacco that was foisted upon them by the U.S. Government in service to their country.

So we have no tobacco bill now. Those of my colleagues who sought refuge in the tobacco legislation now are going to have to look for some other place for refuge.

Some may also point to the provisions in the highway bill that provide

enhancements to some very important VA programs. It was said to me early on, "Senator ROCKEFELLER, you have to understand that we put a lot of things in this technical corrections bill that are for veterans. You can't be against these, because that will cut those things out." And so they put in some enhancements to the GI bill, grants for adaptive automobile equipment, and a few other programs.

I am sorry, but veterans are not to be bought off. Veterans are unanimous in their view of this. This is \$1.6 billion in benefits that veterans could have. But the price is the abolition of the right for disabled veterans to seek compensation for tobacco-related illnesses—I am sorry, Mr. President, that price is too dear. Our friends in the veterans community speak with one voice on this issue, and I agree, they cannot support the increase in benefits to one set of veterans, to be paid by the cutting of essential benefits to another class of veterans who already have those benefits under law. Veterans across this Nation reject this attempt to buy them off.

So I repeat—and I am not ordinarily this partisan, and I hope that the Presiding Officer understands that—what is the majority leader scared of on this? Why can't we have a vote on this? This is a basic, moral issue—to determine the way that the U.S. Government chooses to present itself to the American people. There is a fundamental, moral principle involved—undoing current law, under a budget fiction, started by the Clinton administration, and joined in by the majority. So the result of all of that power is that veterans are shut out, dumped, and then cut out of the law from this point forward. Why does the Leader not bring this bill to the floor so it can be debated and amended? Why does he have to move this in the dark of night? Once again, I urge the majority leader to bring this corrections bill to the floor.

I participated in a conversation at the back of this Chamber with one of the conferees on the IRS bill, describing how, oh, yes, it was probable that this technical corrections bill would be put into the IRS conference report. That sounds positive, doesn't it? No, it is highly negative. That means that when it comes to the floor, it cannot be amended or debated. It can only be voted up or down, and the veterans lose on all fronts from that action.

My colleagues need to understand that there is a huge problem with the majority leader's tactic. American veterans will not be fooled by what he and others do here. American veterans are not stupid, and they are angry. They will see through this charade, but most of the Members of the Senate do not see through this charade—the charade of how the funding process began and how the highway money comes out of the surplus and the phony savings. I bet there wouldn't be 12 Senators on this floor, who would understand exactly what happened, how absurd the

whole thing is, how embarrassing the whole thing is, and how wrong it is for veterans to not even be given a chance.

America's veterans are justifiably losing their faith in Government. This will accelerate that process for American veterans. They no longer believe that the Government that they fought to preserve intends to meet its obligation to them. I share their fear.

What is obscene about all of this is that this denial of disabled veterans' benefits occurred just before Memorial Day, when everybody on this floor and in the other body was pouring out words of patriotism, appreciation, love, respect, reverence to veterans for all they have done for their country. But in the Halls of Congress, actions often belie these words. If we do not take care of America's veterans now, one might say, who will take care of us in the future? To secure the soldiers we will need in the future, we must maintain the promises made to those who protected us in the past.

Thirty minutes equally divided up or down, Mr. President, I submit is a fair request on behalf of disabled American veterans.

I thank the Presiding Officer.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Utah is recognized to speak for up to 20 minutes as in morning business.

The Senator from Utah.

Mr. HATCH. I thank my colleagues.

Mr. President, it is my understanding that the Senator from Utah has 20 minutes and the Senator from California has 20 minutes.

The PRESIDING OFFICER. The Senator is correct. He will be followed by the Senator from California, who has 20 minutes.

Mr. BREAUX. If the Senator will yield, may I have a few minutes from either Senator?

Mr. HATCH. We will be happy to do so.

#### TOBACCO LEGISLATION

Mr. HATCH. Mr. President, I rise to announce that—contrary to press reports that tobacco legislation is dead—in fact, a strong, bipartisan effort to enact meaningful tobacco legislation is very much alive and well in the Senate today.

Last week's action by the Senate on the Commerce Committee tobacco bill should not be viewed as a failure by this Senate to pass tough tobacco legislation.

Nor should it be viewed as a victory by tobacco companies and tobacco lobbyists to kill tobacco legislation and deny the public health benefits from a strong bill.

To be fair, there were many criticisms of the Commerce bill. It suffered from a myriad of legal problems, including several unconstitutional provisions. Its costs were very high, perhaps as high as \$800 billion. It could have provided enhanced opportunities for

black market sales, with accompanying crime and violence.

And, a bad bill was made worse on the floor with adoption of several, additional competing spending priorities which—however well-intentioned—diverted from the primary focus of the bill [e.g. child care, illegal drug abuse, tax cuts.]

In my opinion, the four weeks that the Senate spent on the tobacco bill were a critical and useful exercise in educating ourselves—and the American public—on the numerous complexities of the tobacco issue. By and large, we now have a better understanding of this issue and what Congress should do to develop a good bill.

Accordingly, Senator FEINSTEIN, Senator BREAUX and I have come to the floor today to announce our bipartisan effort to work toward a strong tobacco bill that, we believe, will be acceptable to the vast majority of our colleagues.

There are eight cosponsors on our side and three cosponsors thus far on the Democrat side. And it is bipartisan.

We must not lose sight of the fact that we have a very real opportunity, a compelling opportunity to act on tobacco this year.

We believe the best framework for legislation clearly remains in the provisions of the June 20, 1997 global tobacco settlement that was agreed to by 40 State Attorneys General and the tobacco industry.

This document should serve as the blueprint on which the Senate should act. It should be clean of extraneous provisions and programs and targeted to the overwhelming need to educate our nation's youth on the hazards of tobacco use.

I call upon my colleagues—both Republicans and Democrats—to join us in this bipartisan effort to protect the lives of American youth.

I call upon the President to work with us in a bipartisan effort to forge meaningful tobacco legislation. Without your active participation and support, Mr. President, there can be no tobacco bill. Together we can make a positive and defining difference.

Senator FEINSTEIN, Senator BREAUX and I are prepared to move forward with tobacco legislation that is constitutionally sound and that will protect millions of Americans, both young and old, from the enticement of the deadly tobacco habit. We simply cannot lose this opportunity.

We do not intend to remain on the sidelines while this issue languishes and political rhetoric is thrown back and forth.

Some of my colleagues have stated they intend to offer the Commerce Committee tobacco bill as an amendment to all appropriate legislation on the floor of the Senate. Let me say to my friends that I share your concern that the Senate should pass legislation this year.

I ask that you join us in our bipartisan effort to enact a settlement-based bill. Together we can realize enact-

ment of tobacco legislation that has seemed so illusive over the past several weeks.

I would like to outline this legislation so that my colleagues will understand the basics of the bill that we will file in the future.

Number one, the key to an effective program, according to public health experts, is that it must be comprehensive.

The Hatch-Feinstein bill accomplishes this goal with major provisions that build upon the June 20, 1997, agreement and the plaintiffs' attorneys' settlement proposal. Ours would require \$428.5 billion in payments over 25 years. That is \$60 billion more than the June 20, 1997 proposal.

Our bill will focus on antitobacco activities, including prevention and research efforts, and give full FDA authority over tobacco products. This is important because no comprehensive, antitobacco bill can be passed without the voluntary cooperation of the tobacco companies.

When the proposed settlement was announced last June, with a record \$368.5 billion in industry payments, we were all astounded that the tobacco companies would agree to pay that whopping amount of money. That record amount, that "ceiling" as it were, was astounding. Now there are those who talk like that is nothing.

Our bill will add another \$60 billion to that \$368.5 billion in required industry payments over 25 years.

I am hopeful our bill will bring the tobacco companies back.

Yes, they will be kicking and screaming. They will be angry. They will be upset. But, I predict they will come back.

There has been considerable debate in this body about the adequacy of the industry payments. I wish we could require \$1 trillion in payments.

The plain fact is that we have to be reasonable. If we want a comprehensive and constitutional bill, then we will have to insert provisions to bring the industry back to the discussion. Only with their participation can we have a truly constitutional, comprehensive bill.

Of the \$428 billion in industry payments, \$100 billion will be devoted to biomedical and behavioral research.

These significant new revenues are devoted to efforts to prevent, treat, and cure tobacco-related and other illnesses. We have included funds for behavioral research as well, so that we can determine the causes for youth tobacco use and determine how best to address them.

Let me emphasize, we provide \$100 billion over 25 years, or \$4 billion a year, for biomedical and behavioral research, with no possibility the funds will be diverted for other, non-tobacco-related purposes. That is something that will benefit the public health of this country significantly.

We also provide \$92 billion for important public health programs to combat