tobacco related and thereby provide it back to the veterans' program next year and the year after.

The CHAIRMAN. The Committee will rise informally.

The SPEAKER pro tempore (Mr. LAHOOD) assumed the Chair.

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ENROLLED BILLS SIGNED

The SPEAKER pro tempore. The Chair lays before the House the following enrolled joint resolution and Senate bills.

H.J. Res. 101. Joint resolution recognizing the 225th birthday of the United States Army.

S. 761. An act to facilitate the use of electronic records and signatures in interstate or foreign commerce.

S. 2722. An act to authorize the award of the Medal of Honor to Ed W. Freeman, James K. Okubo, and Andrew J. Smith.

The SPEAKER pro tempore. The Committee will resume its sitting.

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DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2001

The Committee resumed its sitting.

Mr. MORAN of Virginia. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, decades of deceit by the tobacco industry has caused Federal taxpayers to spend billions for smoking-related illnesses.

The Justice Department is seeking recovery of these funds, as well as injunctive relief to stop the companies from marketing to children and engaging in other deceptive and illegal practices. They need to be able to have the resources for that suit. Now, the beneficiaries of that suit would be the Departments of Health, Education and Welfare, or the Health Care Financing Administration, who has spent so much money on Medicare and Medicaid reimbursement for tobacco-related illnesses, and the Veterans Administration, because so many thousands of veterans have suffered and died from tobacco-related illnesses.

This amendment would say that the Veterans Administration cannot move this money to the Justice Department to prosecute these cases. The idea, the reason, the motivation is so that this suit cannot go forward.

The Veterans Administration spends $4 billion a year treating tobacco-related illnesses. We passed a law, the Medical Care Recovery Act, that says that any costs recovered by the Justice Department would be returned to the Veterans Administration. They desperately need that money. Why would we not seek that money from what is the source, the cause of much of that suffering and death?

This rider is wrong. It should not have been attached to this bill. For decades, tobacco companies have deliberately misled Americans regarding the risks and the harmful effects of smoking while 400,000 people have died each year from tobacco-related illnesses.

As recently as 1998, within the last 2 years, the chairman of Phillip Morris testified under oath and said, I am unclear in my own mind as to whether anybody dies from cigarette smoking-related illnesses. That man is an intelligent, otherwise responsible man, so he must have been deliberately trying to deceive the court and the American people.

In my mind, there can be no other conclusion. That is not tolerable. If this Congress is not willing to reimburse the Veterans Administration for the costs of this deception, then we should do it for the 3,000 teenagers who start smoking every day, at least for the 1,000 who will die because they did.

This amendment should be supported. It is the right thing to do.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think there is no better term for this rider of which the Waxman amendment addresses than the smoke and mirrors rider, the misrepresentation rider, the distortion rider. The legislation to prohibit a legitimate litigative approach to redeeming billions and billions of dollars or at least millions and millions of dollars that have been utilized by this government in its various medical care accounts to treat tobacco-related illnesses.

It is long overdue. Now, one might read this particular rider as an amendment that is on a white horse, a good amendment, a good rider, because it seems to suggest that the bad guys are trying to take minimally $4 million out of VA, and that money would impact or take away from caring for the veterans of this Nation. That is why it is the smoke and mirrors rider, and that this amendment to strike of the gentleman from California (Mr. WAXMAN) clarifies and tells the truth.

□ 1915

In actuality, this amendment is taking or striking monies that the administration had already designated in a VA litigation account, separate and apart from any dollars dealing with the medical needs of our veterans, and this amendment specifically states that there would be no provision that would take the $4 million out of any of the accounts that would deal with VA health care. Plain and simple.

What this rider does not say is that its basic initiative is to be hand and glove with the tobacco industry. Its basic premise is to ensure that this government does not rightly have the opportunity to engage in legitimate litigation in the courts of law to redeem the funds that have been paid, hundreds of billions of dollars, as we have paid in Medicare, Medicaid and VA health needs, because people have been injured and have been ill and even died from tobacco-related injuries or illnesses.

It is interesting to note that this is $4 million which we talk about, but yet we find the Department of Veterans Affairs and the Department of Defense have spent $4 billion and $1.6 billion respectively per year treating tobacco-related illnesses.

Now, Mr. Chairman, you would think that that dwarfs this simple process which the administration has designed to rightly have the Department of Justice secure from HHS, Health and Human Services, the Department of Veterans Affairs and other agencies that would rightly benefit from the refund of dollars gained by prevailing litigation that says we have been wrongly required to pay for these needs of these particular citizens who have fallen ill, and, now, after determining the untruthfulness of the executives of the tobacco company who represented that tobacco was not addictive and then were found out and who have, in certain instances, settled these cases and, in other instances, lost in courts of law in various States, such as the settlement we have and the litigation in the State of Florida.

How can we then deny the opportunity for this amendment to prevail in order to allow this litigation to go forward? Do we know what else is damaging and happening? Do we realize that 430,000 of our citizens die prematurely because of tobacco use? Do we realize the number of children, about 5 million children, that smoke in the United States, and each day another 3,000 become regular smokers, and, of these children, one-third will eventually die from tobacco-related causes?

Mr. Chairman, it is high time now to get rid of these kinds of false debates on the floor of the House and the smoke and mirror riders that are put on legislative bills and appropriation bills that are passing through this House. We have seen many of them undermine the intent and purpose of good will.

We need the dollars to pursue this litigation. We need to recoup the enormous dollars we have lost in treating these terribly ill people and those that have died and lost their battle with cancer and other illnesses, and we need to stop this misrepresentation of plucking dollars out of the VA-HUD under the pretense that we are denying veterans health care. What we are actually doing is lifting up their health care opportunities.

This is a bad rider. This is a good amendment, and I support the Waxman amendment. Let us eliminate this bad language.

Mr. Chairman. I rise to speak out against this most recent attempt to undermine the ability of the Department of Justice to recover the potentially hundreds of billions of dollars paid by American taxpayers to treat tobacco-illnesses.

Evidently, contained within H.R. 4635 are legislative provisions that would block the continuance of current federal tobacco litigation.

The rider in this appropriation bill expressly states that no money budgeted for litigation support may be used ''for the purposes of supporting litigation against the tobacco companies.

To allow such a rider to pass would degrade the quality of H.R. 4635 and send the message to the victims of the tobacco industry that Congress is not concerned about the lives and the illnesses resulting from the tobacco companies; exploitation of cigarettes addiction among the American public.

The dire statistics surrounding tobacco use cannot be denied. Tobacco use is responsible for more than 430,000 premature deaths each year. Tobacco use is the leading cause of premature death in the United States, twice the amount caused by AIDS, alcohol, motor vehicles, homicide, drugs, and suicide combined.

Among our youth, about 5 million children smoke in the United States and each day another 3,000 children become regular smokers. Of these children, one-third will eventually died from tobacco-related causes.

Already, the American people had begun to reap the benefits of the Department of Justice's litigation efforts, such as in my home state of Texas where the tobacco settlement proceeds have been used to fund secondary and higher education, The University of Texas Health Centers and Cancer Centers, minority health research, mental health and retardation services and child immunizations just to name a few.

Additionally, many of the funds received from this tobacco litigation would be returned to the Department of Veterans Affairs or the Department of Defense because these department spend $4 billion and $1.6 billion respectively per year treating tobacco-related illnesses.

A primary concern of mine is the authority of the Justice Department to seek out court orders to prevent tobacco companies from marketing to children.

The legislative provisions attached to this appropriations bill would to all intents and purposes halt the tobacco lawsuit and prevent the Attorney General from making whole the American people who have suffered too long at the hands of the tobacco industry.

The continuation of the federal lawsuit is this country's best chance to effectively regulate the tobacco industry and prevent further harm to the public. I urge my colleagues not to support the legislative provisions halting the continuation of the federal tobacco litigation.

Mr. DICKEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am speaking on behalf of the chairman's position on this amendment. I think his position is correct.

I also want to note, and then I am going to sit down, that there is another reason. This is the gentleman's 53rd birthday, and I would like to give my vote to him as a birthday present.

Ms. DELAURO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the Waxman-Evans-Meehan amendment. We should allow the Justice Department to continue to fight the tobacco companies on behalf of America's veterans and on behalf of America's children.

It is past time that the tobacco industry is held accountable for all of their years of deceit. By allowing the Justice Department to continue its suit against the tobacco industry, we will return millions of dollars in needed funding to the veterans health care system. That is fitting, considering the number of our Nation's veterans that are now suffering from tobacco-related illnesses that to this day the tobacco industry denies are the result of cigarettes.

Each year the VA spends $4 billion treating illnesses caused by cigarettes. The Defense Department spends $1.6 billion. Medicare spends another $20.5 billion per year. The costs sap the strength out of our health care system and rob our veterans of the quality of care that they deserve, and this money goes directly to paying for veterans health care.

The tobacco industry knows that people who use their products will not be around for long, so they have to go out and they find what they call ''replacement smokers.'' ''Replacement smoker'' is the euphemism, a callous euphemism, that tobacco executives use for our children. They see our kids as the route to future profits, even though they know for a fact that of the 3,000 kids that they hook each day, one-third of them, over 1,000 of our kids, will die of a tobacco-related illness. And these people should not be held accountable for this? It is unconscionable.

So why would someone put a provision into this bill that would protect the tobacco companies from being held accountable? Why should they place the needs of the tobacco industry ahead of veterans health care, our children and the taxpayers that have to foot the bill for these health care costs? Could it be, could it be because the tobacco industry has spent over $31.8 million on political contributions, roughly 80 percent of which have gone to the Republican Party? Could it be because Philip Morris has given Republicans over $1 million in soft money this year alone and is the Republican Party's second largest contributor?

It is about time that this Congress said loud and clear that the days of special treatment for the tobacco industry are over. This is not for trial lawyers, it does not rob money from veterans, and it is well within the law to use these funds for affirmative litigation. That is all the tobacco companies want, is to create a smoke screen, and we have had enough of it.

Mr. Chairman, we are never going to forget the image, the visual image in our mind of that hearing when the tobacco industry CEOs raised their right hands, swearing, swearing, that nicotine was not addictive. They lied on that day, as they continue to lie about the health problems of their product. And now they should be protected? They should not be protected on the floor of this House. That would be egregious.

This amendment will help to strengthen veterans health care in this country. It will finally hold tobacco industry accountable for their lies. Support veterans health care, protect our children from the tobacco industry's predatory practices, support this amendment.

Mr. GANSKE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of this amendment. Prior to coming to Congress, I was a reconstructive surgeon, and I did a lot of my training in VA hospitals. I can tell you, I have taken care of some pretty horrible examples of the victims of tobacco addiction, veterans who were addicted to tobacco long before it became well known that tobacco was such an addicting substance and that it had such harmful consequences.

I can remember one veteran very well when I was chief resident in general surgery. This gentleman had a disease called thromboangiitis obliterans, which is like an allergic reaction to tobacco smoke. It causes the small blood vessels in your body to thrombose, to occlude, so you undergo periodic autoamputations of your extremities. You lose the blood supply to your fingers; they fall off. You lose the blood supply to your toes; they fall off.

This gentleman was so addicted to nicotine that, despite this process going on, and despite the fact that he had lost both legs above the knees and all of his fingers except for one finger on his right hand, he could not stop smoking, so he had devised a little wire cigarette holder that somebody would put the cigarette in and then loop it over his finger so that he could smoke.

Make no mistake about it, this is one of the most addicting substances we know. We know pharmacologically that nicotine is as addictive as heroin or cocaine, and, make no mistake about it, your vote on this amendment will indicate whether you are for the tobacco industry or whether you are for their being responsible for their activities. You should vote for the Waxman-Hansen amendment.

Ms. DEGETTE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, tobacco is the number one cause of death in the United States right now. It is responsible for more than 430,000 deaths each year, or 1 in every 5, and I am willing to bet that tobacco deaths have hit every Member of this House in some way. It is a well documented and scientific fact that smoking causes chronic lung disease, coronary heart disease, stroke, cancer of the lung, larynx, esophageus, mouth, bladder, cervix, pancreas and kidney, and the disease we just heard about from my colleague. This is a horrible, horrible disease.

As you assess tonight, my colleagues, whether or not tobacco companies deserve the special treatment that the rider in this bill would occasion, I hope

you will remember that for decades now tobacco companies have been targeting our children. For example, a 1975 memorandum to R. B. Seligman, Philip Morris vice president for research and development states, ''Marlboro's phenomenal growth rate in the past has been attributable in large part to our high market penetration among younger smokers 15- to 19-year-olds.'' And Marlboro is not the only one. In 1978, Curtis Judge, the President of Lorillard Tobacco Company, received a memo saying, ''The success of Newport has been fantastic during the past few years. The base of our business is the high school student. It is the in brand to smoke if you want to be one of the group.''

Recent research has indicated that tobacco companies are targeting teens today through advertisements in all of the mediums they care about, including magazines and billboards.

Now, we do not know how this lawsuit will turn out. We do not know if it will be successful. But why on Earth, when you have an industry with this kind of track record, should you give them the kind of special exemption that this bill would give them? It makes no sense, and it is dead wrong.

According to recent estimates, the Federal Government expenditures for the treatment of tobacco-related illness totals $22.2 billion in Medicare, the Veterans Administration, the Federal Employees Health Care Benefits and the Indian Health Services. In fact, the courts recently held that the Indians must go through the Federal Government to seek remedies versus the industry because the main health funding is a Federal program.

So not only is it wrong to give the tobacco companies a pass, it is also fiscally irresponsible. We are spending billions of dollars to treat tobacco-related illnesses, and, frankly, if there is evidence of racketeering, if there is evidence of the wrongdoing that is alleged in this lawsuit, why on Earth should the United States Congress give the tobacco industry a pass? It makes no sense, it is wrong, and we cannot do it.

I would suggest to my colleagues on both sides of the aisle, it is the wrong thing to do, both fiscally and from a public health standpoint, and I would urge the adoption of this very fine amendment.

Mr. RODRIGUEZ. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise at this time to support the Waxman amendment to allow the Government to reclaim its damage from tobacco companies. Tobacco use is the single most preventable cause of death and disease in our society. Tobacco products cause more than 400,000 deaths in the U.S. each year. Each person who dies of tobacco-related lung cancer loses an average of 14 years of expected life. I again repeat, each person loses over 14 years of expected life.

In addition to that, in terms of the quality of life of the individual, I do not know if anyone has ever witnessed someone who suffers from emphysema, where they have the difficulty where before they had strength, they are unable to even walk from their bedroom to the kitchen to be able to get a cup of coffee, the quality of life that is also lost is not even recorded.

The record is clear that the health care and compensation costs have gone up as a result of tobacco-related illnesses. We all recognize this fully.

□ 1930

Our government must be able to provide proof to the courts, so that we need to go to court to assure that these resources are obtained.

Remember that in 1998, we took veterans' tobacco compensation from our transportation projects. At that time we made it clear that the Attorney General should recover this from the tobacco companies. The rider in the VA–HUD bill flies in the face of that commitment. Remember that this amendment takes only the legal funds at the VA; it does not take away any other resources in terms of health. So it is important for us to move forward in that direction.

The tobacco industry's denials about the deadly effects of smoking are not stopping over 3,000 youngsters who start smoking every single day. American youth is relying on the Congress to be protective.

I would share with my colleagues a particular research project that was done in Austin, Texas, when I was a legislator where they took youngsters from one of the high schools, these were high school youngsters and it was a research project where the students were allowed to go around the neighborhoods and purchase cigarettes. One of the things that they found when they provided that testimony before us, they laid hundreds of packages of cigarettes before us, and each one had the label where they had bought those cigarettes. These were all youngsters underage that had bought those cigarettes. These were youngsters that were sold those cigarettes. It was not surprising that on the east side of Austin and in those sectors where the minority populations were that this is where the most number of packages were sold.

In addition to that, as we move forward, I would remind my colleagues that when veterans joined the military, they were also provided with access to cigarettes, so that it becomes important for us to recognize that they recognize that one of the reasons why they go after the young, that that is when they can catch those individuals, because as adults, a lot of times we know better than to smoke. And they recognize that if anyone is going to be smoking it is if they catch them early enough. So every effort needs to be taken to make sure that we do the right thing. We have an obligation to ourselves and to our country and to our veterans to make sure that we go after the companies that have been abusing.

The VA spends over $4 billion annually treating tobacco-related illnesses. Under the Medical Care Recovery Act, any recovery of this cost would be returned to the VA health programs. In effect, the rider blocks the VA from obtaining potential tens of billions of dollars for the recovery and for the use of our veterans. It is also disheartening that the 106th Congress would act to prevent the Department of Justice from pushing forward the claims. The 105th Congress had denied veterans' compensation for tobacco-related illnesses in Public Law 105–178 with the express recommendation that the Attorney General take all steps necessary to recover from tobacco companies the cost of that treatment. It is our obligation, it is our responsibility, and I would ask that we move forward.

Mr. Chairman, I would ask my colleagues to please vote to stop this outrageous gift to the tobacco industry and let us move forward and do the right thing and vote ''aye'' on the Waxman amendment.

Mrs. LOWEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the Waxman amendment, which would repeal the provision that restricts the Department of Veterans Affairs from transferring funds to the Justice Department to support tobacco litigation.

Each year, the Federal Government spends an estimated $25 billion on tobacco-related health costs, $25 billion. Specifically, the VA contributes more than $4 billion to this outrageous tab. This is wrong.

That is why in the 105th Congress, the House called on the Attorney General and the Secretary of Veterans' Affairs to take all the necessary steps to recover from the tobacco industry the costs incurred by the VA for the treatment of veterans with tobacco-related illnesses. In return, the Department of Justice filed a lawsuit against the tobacco industry.

Unfortunately, some of my colleagues are now attempting to derail the DOJ's efforts. This is evident by the three antilitigation riders attached to this bill, as well as the Commerce, Justice, State and Defense appropriations measures. Under section 109 of the fiscal year 1995 appropriations bill, the DOJ is allowed to seek reimbursement from other Federal agencies likely to benefit from litigation undertaken by the Department. Opponents of this amendment will say that section 109 was intended to help the DOJ fund only defense of litigation. That simply is not true. Look at the record. For example, the DOJ has used this authority to pursue litigation against oil companies and in Customs fraud cases.

So why is this body awarding the tobacco industry special protection at the expense of the public's health? Why

are my colleagues fighting to protect an industry that has come before this body and untruthfully denied for decades that nicotine is addictive and dangerous? Why are some working to protect an industry that lures in an estimated 3,000 American teenagers every day? It does not make any sense.

Mr. Chairman, the evidence is clear. Cigarette companies have targeted our youth. About 5 million children smoke in the United States. Of these, one out of three will eventually die from tobacco-related causes. The Department of Justice's suit not only seeks to recover funds, it is also aimed at stopping companies from marketing to our children.

Well, I can tell my colleagues as a mother and as a grandmother, I urge my colleagues to support the Waxman amendment and help to protect the health and well-being of our Nation's children and veterans.

Mr. NADLER. Mr. Chairman, I move to strike the requisite number of words.

I rise in support of this amendment. Mr. Chairman, this amendment seeks to prevent this Congress from betraying the veterans of the United States, a betrayal of a promise made to them by this Congress only 2 years ago.

Two years ago, in the teeth of opposition from all of the veterans' organizations, Congress repealed the ability, repealed the ability of veterans to recover in disability payments for tobacco-related illnesses. But in partial compensation for that deed, the same bill, section 8209 of the law, Public Law 105–178, called on the Attorney General, I am quoting now, and the Secretary of Veterans' Affairs, as appropriate, ''to take all steps necessary to recover from tobacco companies amounts corresponding to the costs which could be incurred by the Department of Veterans' Affairs for treatment of tobacco-related illnesses of veterans if such treatments were authorized by law.''

In other words, with one hand Congress said, we want to take $16 billion that we are paying out annually to veterans in compensation for disabilities caused by tobacco smoking; and we are going to say, you cannot do it any more. We are going to take it away from the veterans. But we are not going to be quite such hideous people; we are going to see that we ask the Attorney General and the Department of Veterans Affairs to sue the tobacco companies and see if they can recover money on behalf of the veterans that will go to the veterans in compensation instead of the disability payments.

Now this bill comes. In 1999, the Department of Justice initiated a lawsuit, a Federal lawsuit, against the tobacco companies seeking to recover claims against tobacco companies, as most of the States have done, as many local government cities and towns across this country have done. Why should the Federal Government not recover on behalf of our citizens and in particular on behalf of our veterans recover monies because of damages they sustained because of the improper actions of the tobacco companies, especially after Congress promised in 1998 to urge the Department of Justice to do so?

The Department of Justice initiated the lawsuits, and what do we have now? In this bill and in other appropriation bills, we have directions that say, you may not use any funds for this lawsuit; not for lawsuits in general, for this lawsuit on the tobacco companies. Congress is coming in almost like a bill of attainder and saying, we do not like this particular lawsuit; we do not want you to recover money for the veterans. We want the veterans to continue to suffer uncompensated, not compensated through disabilities, we closed that off 2 years ago; and we will not allow you to try to recover benefits for them through a lawsuit. We are afraid of what the courts may find.

The tobacco companies are going to defend themselves in court; and maybe the court, after hearing the evidence, will say they are not liable, but we do not want to take that chance. We want to say to them, you do not have to defend yourselves in court because of your actions. We will not let the Attorney General and the Department of Veterans Affairs participate in a lawsuit to recover the money. Never mind that we promised it 2 years ago. Never mind that this is completing the betrayal of the veterans that this Congress started 2 years ago. How can we not hang our heads in shame if we do not adopt this amendment to change the policy in this bill?

I submit, Mr. Chairman, that this amendment must pass in order to save the honor of this Congress so that it cannot be said that this Congress, and I must add in good conscience, the Republican leadership of this Congress, consciously and deliberately betrayed the veterans of the United States because they preferred that the tobacco companies not have to defend themselves in court and not have to pay the veterans for damages they caused them, if the court would find they caused them such damages. Never mind the promise that this Congress and the Republican leadership made 2 years ago. Now it is time to renege on that promise, because now it is time to deliver on that promise; and it was never intended that that promise be delivered on.

If we are people of honor, if we are people of honesty and probity, if we want to be able to not hang our heads in shame before our veterans, we will vote yes on this amendment.

Mr. FILNER. Mr. Chairman, I move to strike the requisite number of words.

I do want to point out that it is the birthday of our esteemed chairman, and I hope he will take all of these testimonials as a ''happy birthday to you,'' Mr. Chairman.

I yield to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Chairman, I thank the gentleman for yielding to me.

I want to frame this issue so that everyone understands what is at stake. We have the Veterans of Foreign Wars, the Paralyzed Veterans of America, the Disabled American Veterans, AMVets. They have all asked for an ''aye'' vote on this amendment. On the other side is the tobacco industry, and they would like this amendment defeated.

Now, the reason the tobacco industry wants this amendment defeated is that they would like to stop the litigation against them by the Federal Government. It will be easy for them to succeed if they could have riders in appropriations bills that defund the lawsuit. And the Attorney General of the United States said, if this lawsuit is defunded by this rider in the VA-HUD bill and another rider in the Department of Defense bill and another rider that will be in the Commerce, State, Justice bill, then she will not be able to go forward with the litigation.

Now, to give my colleagues some background, in 1998 there was a promise made to the veterans when, in this transportation bill, they sought to get some funds for transportation use; and the bill provided that those funds that otherwise would go to take care of veterans who were disabled because of tobacco smoking would no longer be available to them for that use; and in 1998, when that money was taken out of veterans' health care, there was an explicit understanding that the Federal Government would pursue a litigation against the tobacco industry to make up for those funds.

Well, we are now at the point where they are looking to see whether we are going to keep that promise.

In 1999, the Justice Department brought the lawsuit, and Congress could have provided a different way to fund it. We could have funded it. We could have provided a clear appropriation for the lawsuit. But Congress refused to do that. So the Justice Department went to the various agencies to seek a transfer of funds. They went to agencies that are affected. They did this under a law passed by this Congress in 1995, and they went to affected agencies and they went to the Department of Health and Human Services and said, you are going to be affected by this lawsuit, because if we can recover money from the tobacco industry for Medicare, that will allow us to fund Medicare; and, therefore, we want to have you help us through the department appropriation pursue the litigation.

□ 1945

They also went to the Department of Veterans Affairs and asked for a transfer of funds. That is the issue before us right now, it is the Department of Veterans Affairs.

The amendment says that the Department of Veterans Affairs can transfer money, but only from that

area provided for litigation and administrative expenses, not out of the health care budget, not out of the money to be used for health care services.

If we do not adopt this amendment to stop this rider in this bill and we do not strike the riders in the other bills, then the lawsuit is going to be dismissed because the Department of Justice, on behalf of the American taxpayers, will not be able to continue to sue the tobacco industry and hold them accountable for the harm that they have done to people for whom we have paid their health care services.

If that happens, it will be the greatest betrayal of all to the veterans and to others. So I urge support for this amendment to strike the rider that was placed in the bill to prevent the funds from being used to pursue the litigation against the tobacco industry.

Let us not betray the veterans. We have made so many promises to the veterans of the country. We have promised them greater health care services, and we have not funded all that we have promised them. If we could pursue this litigation, perhaps we could get the funds to keep the promises to the veterans.

I urge support for the amendment.

Mr. HAYES. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong opposition to the amendment that is before us. Mr. Chairman, this is an issue that has been spoken to by this Congress. This amendment is clearly an effort to circumvent the will of the Congress. It is also an improper way to insert itself between States and the courts in efforts to settle this issue in a proper way. In my opinion, this is an improper use of the Department of Justice, to try and do things that are driven by personal political agendas.

That is not to say there is anything wrong with the personal political agenda that continues to attack tobacco farmers and people who make a living in the tobacco industry, but there is another side to this story. I appreciate the putting together of a very good bill by the gentleman from New York (Chairman WALSH), and I think the issue here of keeping this $20 million of hard-earned taxpayers' money from doing things that we do not intend as a Congress to do is a wise and proper thing.

Last fall North Carolina and other States were besieged by a horrendous hurricane. President Clinton went to Tarboro, North Carolina, and spoke very eloquently about the need to help our tobacco farmers, and then turned around and provided another Federal lawsuit to continue to break the backs of their efforts to support their families.

I wrote to the President on September 24 and asked him to reconsider, because after 6½ years of being besieged by one assault after another from the Federal government, this was not the right thing to do.

Again, Mr. Chairman, I would respectfully request a strong no vote on this amendment because it is the wrong thing at the wrong time.

Mr. BLAGOJEVICH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, to me there are two issues here. They are very simple. Number one, do we keep our promises, that is the first issue. The second issue is, when it comes to issues of facts that may be in contention, who do we believe?

First of all, who do we keep our promises to? In this instance the question is, will we keep our promises to the veterans of the United States who fought, put their lives on the line, and represent and defend our country?

Back in 1998, Mr. Chairman, Congress passed a highway bill that had in it an unusual provision. It ended the policy of providing disabled veterans benefits from tobacco-related illnesses. That was a spurious provision.

Notwithstanding, and let me say that I think it was not only spurious but I opposed that provision, but notwithstanding that, that bill passed. But within the same bill was a promise, a promise that told the Attorney General and the VA Department to sue the tobacco companies so more money, more money will be available for veterans' health care.

More money for veterans' health care. That is the promise. I strongly support keeping that promise. That is why I support the Waxman-Evans-Hansen-Meehan-Stabenow amendment, because it honors the commitment we made to veterans back in 1998.

With regard to who do we believe with regard to a contention of facts, the question is, do we believe the tobacco companies, the same tobacco companies who, back in 1994, the seven top executives came before the subcommittee of the gentleman from California (Mr. WAXMAN), and all of them under oath denied a couple of key questions?

One, they denied before his committee under oath and before all of America that nicotine was addictive. How many Americans really believed that?

Number two, the same seven executives swore under oath and answered the question were they intentionally marketing their product to children, and they said they were not, while at the same time Joe Camel ads were gracing billboards all across America.

For the question of believing in the tobacco companies or a question of believing the VFW, the Paralyzed Veterans of America, the Disabled American Veterans, and AmVets, I choose to believe the latter group, the veterans' groups who are looking out for the interests of the veterans, and not the tobacco companies, who have not been honest and provide a product that, whether one chooses to use it or not, makes people sick and ultimately causes deaths.

Mr. Chairman, we believe that we need to provide more money for veterans and veterans' health care. Supporting the Waxman amendment would do that.

Mr. YOUNG of Florida. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to the gentleman from New York (Mr. WALSH).

Mr. WALSH. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, I just wanted to try to sum up some of the arguments that have been made tonight, comment on some of them, and hopefully refute some of them.

First of all, Mr. Chairman, the tobacco companies never came to me to ask us to do this. I am not sensitive to their arguments, quite frankly. I do not like their product. It smells bad. It is addictive. It makes people sick.

But that is not the point. The point here is that the Justice Department should be responsible for paying for this lawsuit. They did not come to the Congress when they sued Microsoft. Microsoft is the world's largest and richest corporation. The Justice Department took them on on their own. They have thousands and thousands of lawyers. They have plenty of money and plenty of lawyers to conduct any and all suits against tobacco companies.

So what is going on here? I am not sure exactly, but I think it is a lot about politics, because it is very, very popular to beat up the tobacco companies. Everybody should do it. But this bill does not prevent the lawsuit. This bill does not enhance tobacco companies' ability to make kids smoke. I have heard that over and over and over tonight. This bill does not have anything to do with kids, it has everything to do with veterans and their health care.

We have heard Member after Member get up and say, we do not have enough money in this bill for veterans' medical care. If Members support this amendment, they are going to take millions more out of veterans' medical care to give it to the Justice Department to run the lawsuit.

Quite frankly, if the Justice Department runs the lawsuit, Mr. Chairman, it is okay with me. If they win, I hope the administration will use those resources for the veterans department, but they have not promised to do that yet. It is still very, very vague.

The point here is if Members vote for this amendment, they are taking money out of veterans' medical care and giving it to the Justice Department. It is that simple.

So forget about all this other argument, these other arguments, because they are not salient. They do not apply to this issue. The issue here is, does the money go to veterans' medical care or does it go to Justice Department lawyers. They have their own lawyers and their own budget. They are spending enough money, so they do not need to take this.

Mr. EDWARDS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Chairman, I thank the gentleman for yielding.

I just want to respond to the point that was just made. The bill out of the committee has the words ''None of the foregoing funds may be transferred to the Department of Justice for the purposes of supporting tobacco litigation.'' So without changing the bill, that rider would prevent transferring the funds from VA to the Department of Justice to pursue the lawsuit.

Now, the Department of Justice insists that if it cannot get the funds transferred from the VA and DOD and the HHS and other affected agencies they will not be able to pursue this litigation, because we did not fund the Justice Department litigation itself. If we would have put money in the budget for the Justice Department litigation against the tobacco industry, they would not have to seek funds from the Veterans Administration.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS. I yield to the gentleman from New York.

Mr. WALSH. Mr. Chairman, I thank the gentleman for yielding.

I just wanted to make sure everybody was clear. The language that we are talking about, is it not in the medical care title of the bill, and all funds foregoing to that amendment are medical care funds?

Mr. WAXMAN. If the gentleman will yield further, Mr. Chairman, the section we are talking about is the veterans' health care section. In the veterans' health care section, there are funds for litigation expenses and administrative expenses.

Our amendment to the rider says that they didn't transfer funds except from the administrative and litigation part of the VA health care funds. If we sought to transfer funds from somewhere else in the Veterans Administration, it is our understanding there would have to be a reprogramming of funds, which means legislation to allow that reprogramming of funds.

If I had offered an amendment to say that somewhere else in the funds from the Department of Veterans Affairs funds could be transferred, as I understand it, a point of order would be permitted against that. So we sought to transfer funds from the veterans' health care.

Another reason why we did that is the veterans' health care program is the area that will benefit from the litigation against the tobacco industry, which is the reason why the Veterans of Foreign Wars, the Disabled American Veterans, the Paralyzed American Veterans, all are supporting this amendment, because they want the litigation to continue.

The American Legion has indicated they want the litigation to continue as well. The only way it will continue is if we can get funds transferred from the affected agencies.

Mr. WALSH. Mr. Chairman, if the gentleman will yield further, the funds are in the medical care portion of the bill. If the gentleman had offered general operating funds or construction funds or any other funds, we would not have had this argument today.

I would just remind the gentleman that every one of those veterans' organizations that supported the suit, and they support the suit, I am not making that an issue, but what they are saying is, do not use our medical care money. Support the suit, but do not take it out of medical care.

Mr. KUCINICH. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS. I yield to the gentleman from Ohio.

Mr. KUCINICH. Mr. Chairman, it is very clear here, we are being given a choice whether we are going to stand up for our veterans and make sure they get the health guarantees and to protect them, that is why we are here, or whether we are going to cave in to the tobacco interests. That is what it appears is the easy choice here.

Mr. EDWARDS. I think the gentleman makes a good point.

I would like to just add to this debate and discussion, if the amendment of the gentleman from California (Mr. WAXMAN) was not necessary to help the Justice Department pursue litigation against the tobacco companies, I am curious to know why the tobacco companies are opposed to the amendment offered by the gentleman from California.

I have a hard time believing that the tobacco companies, through the production of their product, which has cost the VA and veterans billions of dollars in this country, not to speak of millions of lost lives, I have a hard time believing that they are getting involved in this debate because they are trying to help the veterans of America.

Mr. Chairman, I would like to just point out a fact. The fact is that each year when 400,000 Americans die because of tobacco-related diseases, that is four times as many people, Americans, as were killed in both the Korean and Vietnam wars combined.

□ 2000

It seems to me that, when we start the day with our hand over our heart and say the pledge of allegiance to the flag in this room, one thing we ought to agree on when we say liberty and justice for all is that justice ought to apply to everyone in America.

All we are saying is the Justice Department ought to be adequately funded to take this lawsuit to the courts of this land.

Mr. NEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to the gentleman from New Jersey (Mr. FRELINGHUYSEN).

Mr. FRELINGHUYSEN. Mr. Chairman, I thank the gentleman from Ohio for yielding to me.

Mr. Chairman, I discussed privately with the gentleman from California (Mr. WAXMAN), and let me reemphasize what the gentleman from New York (Chairman WALSH) has had. If the gentleman from California had taken it from some other section other than the medical care account, certainly I think the large majority of us would be 100 percent behind him.

Many who support the Waxman amendment claim that this language or rider in the VA–HUD bill would stop the lawsuit from going forward. None of us have any problem with the lawsuit going forward. Some may, but certainly not yours truly. There is no language in the VA–HUD bill that prevents the Justice Department's lawsuit against the tobacco industry from going forward.

The language prevents the VA from using the money from the veterans medical care account, it does not prevent the VA from taking money from another account in this bill, not the medical care account. That is not to be used directly to provide medical care to veterans.

This amendment claims that the bill provides special protections of the tobacco industry. It does not. But it does provide special protection to veterans, making sure that money intended for their medical care is used to pay for doctors' visits, inpatient treatment for veterans with posttraumatic stress disorder, fulfilling of prescriptions, hepatitis C testing and treatment, and other critical health needs.

Much has been made of letters from veterans organizations before this body this evening. I am a member of the American Legion. I am a member of the VFW. I have a letter here from the American Legion which I would like to introduce into the debate since it has been referenced that somehow they are supporting the Waxman amendment.

This is dated June 15. This is from the American Legion, mind you, and I quote, ''Taking health care dollars from the VA to pay for litigation is counterproductive, especially with the growing demand for services by the aging veterans population.'' Continuing under quotation marks, ''The American Legion strongly encourages Congress to identify $4 million in the projected surplus to be earmarked in the Department of Justice's appropriation bill to pay for the VA's share of litigation. VA funding should be used for its intended purposes, and that is why we oppose the Waxman amendment.''

I get no support from tobacco. I hate tobacco. Tobacco kills. But we do not need to take money away from veterans' medical care to pay for this litigation. Within the Department of Justice, it is interesting, Mr. Chairman. The Department of Justice has an overall budget of about $20 billion. There are 2,374 general authorized attorneys, tax, civil, et cetera; 351 antitrust; U.S. attorneys, 4,900; 229 trustees; 7,861 attorneys in the Department of Justice.

There are enough attorneys and there is enough money in the Justice Department to fund this lawsuit. They do not need to take it away from veterans medical care.

Mr. FRANK of Massachusetts. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, there are a couple of fallacies, it seems to me, in the arguments being made against this amendment. To begin, it should be clear that the Justice Department cannot use volunteers. People who said, well, they have enough money, Members will recall that the Justice Department has been criticized by some, including some on the other side of the aisle, for not prosecuting more gun cases.

The Justice Department is under pressure to do a number of things. Tobacco litigation is very expensive. Tobacco litigation involves a good deal of effort. It is not simply sending a lawyer into court to make an argument. In fact, the discovery and the pretrial work is very, very significant.

Now, it turns out, as we know, that funds invested by governments in tobacco litigation bring a very good return. We have a good deal of useful work being done in the various States right now because the States brought tobacco litigation and won it, and we are trying to do the same at the Federal level. So the money will be returned in multiples to veterans health.

Now, people said, well, we do not need to take it out of veterans health. I would say this, we are going to pass this bill, not with my vote, because it miserably underfunds almost everything, and we are going to send it to a conference. If in conference the appropriators decide that a different account is a better source of this funding, they are free to do that. But I think it is very clear, this vote today will be taken as kind of a referendum on whether or not there ought to be this participation in the lawsuit.

I stress again, funding it entirely out of the Justice Departments account, given the expense of such a lawsuit. Given the other demands of the Justice Department it is not going to fully fund both this lawsuit and the other law enforcement priorities we have and which people have urged the Justice Department to take on.

Now, let us be clear what we are dealing with here. If I listened, if I hear correctly, some of my friends on the other side are saying, well, we are funding this lawsuit, but we do not want to take it out of veterans health. This is the constant refrain we heard last week and we will hear for the rest of this month dealing with the appropriations bills.

We should be clear where the problem started. It started with a foolish budget, a budget that Members on the other side voted for, knowing it was inadequate. It is a good thing we do not vote under oath around here or some of my friends would have had some problems, because they voted for a budget that they knew substantially underfunded a whole range of government activities.

Now, every time an appropriations bill comes up, we are in this game, we had it last week, Indian health versus the arts, now it is veterans' health versus a lawsuit that is going to bring more money for veterans health. It is constant.

But we should be very clear before we sympathize with those who lament this terrible choice that this is an entirely self-inflicted wound. People who voted for a budget that they knew to be inadequate have really no right to come before us and say, gee, you are making us make terrible choices.

Revenues are increasing. There are important needs in this society that must be met together. Much of what we want we can do individually. Much of what we need to satisfy the quality of life we want comes from individual spending. But some things can only be done jointly through government.

What we have is a budget that substantially underfunds these necessary elements, including the lawsuit. Lawsuits are not free. Discovery is not free. The tobacco industry will put up a very good fight with very high-priced lawyers in this regard. We need to have an adequately funded public advocacy group to go on the other side. That is really what we are talking about.

Now, I would agree, and the appropriators have this power, if we win this amendment, the House will have spoken. We want there to be an adequately funded lawsuit without it necessarily coming at the expense of gun law enforcement or other kinds of enforcement at the Justice Department or antitrust for which the need seems to be growing.

Then it will be up to the appropriators in their conference to decide. If they can find a better place to fund this, I do not think anyone will object. If they came back from a conference with an appropriation and said, well, we are not going to take it from here, we are going to take it from there, that will be okay.

But what I fear will happen is, if the amendment is not accepted, we will then have an argument that will say, hey, the House voted not to let you do this. The argument will go from a narrow technical discussion of this particular account to a more general assault on the notion of the lawsuit.

Mr. Chairman, I yield to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Chairman, I am frustrated by what I am hearing from the other side on this debate. The argument is put forward that we do not want to use funds in the health care area of the Veterans Administration's budget because we do not want to use funds that should go for health care.

The CHAIRMAN. The time of the gentleman from Massachusetts (Mr. FRANK) has expired.

(On request of Mr. WAXMAN, and by unanimous consent, Mr. FRANK of Massachusetts was allowed to proceed for 3 additional minutes.)

Mr. WAXMAN. Mr. Chairman, will the gentleman continue to yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from California.

Mr. WAXMAN. Mr. Chairman, now of course nobody wants to use health care dollars that will be used for services for a lawsuit. That is why we wrote the amendment to say that health care services dollars cannot be used for the lawsuit. But there are provisions in that budget for litigation and administrative expenses.

Now, we are told, well, that is still not good enough. If we had taken it out of the general operating budget for the Veterans Administration, that would have been okay. Well, we hear that now from the people in charge of the committee, but no one came forward with that idea earlier.

So what we have is an amendment that will say let us take the money out of the administrative and litigation part of the VA health care budget and pursue what can be a return of a great deal of money to go into veterans health. That is why the veterans groups supports this. The Veterans of Foreign Wars, the Disabled American Veterans, the Paralyzed American Veterans, the AmVets organization support this.

They certainly do not want to see any reduction in health care, and they would otherwise agree with the gentleman from New York (Mr. WALSH), chairman of the subcommittee, on that point, but they do not agree with him on this amendment.

Mr. FRANK of Massachusetts. Mr. Chairman, let me say, I believe we have too little in here for veterans health care. I have to say, however, this $4 million, especially as the gentleman from California (Mr. WAXMAN) explains it, is not a threat to veterans health care.

Now, losing $20 billion so Bill Gates does not pay any estate tax, that cuts into veterans health care. Lavishing money on wealthy people in tax cuts elsewhere cuts into veterans health care. A military appropriation that goes way beyond what is reasonably necessary, that gets into veterans health care.

What we have here, and everybody understands this, they will go to the conference, and they can come out and account for this however they want. What we have here is legislation which has a stricture against using money to contribute to the Justice Department so we can have an adequately funded lawsuit.

If this amendment is defeated and if this bill passes with antitobacco lawsuit language in it, we all know that it will be interpreted by many in the leadership of the Republican Party working with the tobacco industry on this particular point to say no lawsuit at all. It will be part of a campaign to get the lawsuit dropped altogether.

So I will defer to the gentleman from New York (Mr. WALSH). He has done a

good job about the sow's ear he was given. He did not even get the whole ear. He got the sow's earlobe. I do not expect him to be able to give us much soap with a sow's earlobe, but that was that foolish budget that he was stuck with and an inadequate quality allocation.

So I have confidence on this point, I believe if we pass this amendment and the House says yes, we want there to be a contribution so we get a very adequately funded lawsuit so we can go up against the best lawyers in the company that the tobacco industry will have, I will be confident that they will be able in this budget to find money.

The CHAIRMAN. The time of the gentleman from Massachusetts (Mr. FRANK) has again expired.

(By unanimous consent, Mr. FRANK of Massachusetts was allowed to proceed for 1 additional minute.)

Mr. FRANK of Massachusetts. Mr. Chairman, we know finally that this is not the real budget. This is the fake budget. Everybody knows that this budget is too low. But we have people who do not like to admit that they were wrong. They do not like to admit they were wrong in 1997 with that Balanced Budget Act with those silly caps. They do not like to admit that they voted for an inadequate budget out of party loyalty earlier.

So this budget will go out of here inadequately funded. It will go to the other body. It will go into negotiations with the President. Low and behold, it will get bigger.

So we should not fight too much about which inadequacies we deal with here. Let us make a statement in principle that we are in favor of the tobacco lawsuit; and when this bill goes to other places which are a little less addicted to unreality, and adequate funding magically appears, then we will be able fully to fund the contributions to the lawsuit and I hope to do even better for veterans health than we have done in this budget.

Mr. HINCHEY. Mr. Chairman, I move to strike the requisite number words.

Mr. Chairman, we all know that the story of the propagation of tobacco use in our country by the tobacco companies is a sad and sorry one. We all witnessed the spectacle of executives of the major tobacco companies coming before committees of this Congress and claiming that tobacco was not addictive and that, furthermore, they did nothing to make it addictive.

We now know, of course, that is all untrue. They knew from the very beginning that tobacco was addictive, and they were manipulating their product to make it as addictive as possible.

At the same time, they were engaging in a number of activities which were designed to propagate the use of tobacco among young people and as young as possible so that this habit could be ingrained in them throughout their lives, which inevitably would be made and have been made much shorter as a result of the tobacco product.

One of the ways in which the tobacco companies propagated the use of their product was to give free cigarettes to service people. I was in the service myself. I saw that happen. As a result of that, a lot of young men and women, too, became addicted to tobacco products as a result of the availability of these products, and even the free availability of these products from the tobacco companies.

□ 2015

It is only fair and reasonable that this government have the opportunity to recover health care costs that have been incurred by the Veterans Administration tending to veterans who have had their lives shortened and have been made extremely ill during those lives as a result of the use of these tobacco products, particularly and especially cigarettes.

That is what we are trying to do here. We are trying to provide $4 million so that the Justice Department of the United States can engage in legal action to recover some of the costs associated with the health care costs from addictive tobacco use in veterans. Those costs amount to about $1 billion a year, each and every year. It is only fair and reasonable that we try to recover those costs. That is what this amendment would do.

Now, we all know, too, that this budget is deficient, not as a result of any deficiencies with the chairman but as a result of the low number set by the leadership. I think the chairman has done a very good job within the construct and the constraints within which he has had to operate. But that does not solve the problem at hand.

The problem at hand is a very serious one, and we have the means to solve it simply by allowing a very small amount of money in the construct of this particular budget, and certainly the overall budget, a mere $4 million to be made available to the Justice Department so that they might pursue appropriate litigation to recover perhaps as much as $1 billion a year, year after year after year, to tend to the health care needs of American veterans whose lives have been direly, sorely affected and, in many cases, have been and will continue to be made much shorter as a result of the addiction to tobacco products, particularly cigarettes, induced knowingly, willingly, and intentionally by the tobacco companies.

Now, why would we not do that? I simply do not understand why this Congress would not provide that small amount of money to pursue a rightful legal action in order to recover funds which are appropriately recoverable to take care of a very obvious need, a need which can be addressed by the use of these funds if this litigation is allowed to go forward. We know the litigation is likely to be successful. How do we know that? Because we have seen litigation similarly pursued by the several States, and in each and every case the States have been successful, as have recently individuals been successful in bringing legal actions against the tobacco companies for the illnesses caused by the use of tobacco, induced by these same tobacco companies.

So this is something that we ought to do. It is a reasonable, sensible and moderate proposal which will bring forth huge benefits to the taxpayers of our country; but most immediately and most importantly it will bring forth huge benefits in additional health care to the veterans in veterans hospitals across America. Let us pass this amendment.

Mr. SNYDER. Mr. Chairman, I move to strike the requisite number of words; and as I see the Chair performing once again so admirably well in a somewhat difficult debate here this evening, I am reminded of how much we will miss him after he is gone at the conclusion of this term.

Mr. Chairman, let me just say a few words, first of all, as someone who is on the Committee on Veterans' Affairs and as a family doctor who trained in two different veterans hospitals, one in Oregon and one in Arkansas, first as a medical student and then as a medical resident, that I can assure my colleagues my vote tonight for the Waxman amendment will not be a vote to take away dollars from the veterans' health care.

I have looked at the language for this. Federal facilities, such as the veterans' health care system, veterans hospitals, have legal expense funds and they have administrative funds. The Waxman amendment very clearly states that these dollars would come from the legal and administrative expenses of the Department of Veterans Affairs for collecting and recovering amounts owed the United States. There is nothing in there about taking dollars away from x-rays for lung cancer, there is nothing in there about taking away dollars for coronary artery bypass graft surgery, there is nothing in there about taking dollars away from any other kind of health care screening or treatment or disability.

We are talking about having a legal fund that is part of the veterans' health care system and just countering the language in the majority's bill that these legal funds cannot be used for this lawsuit and just saying, yes, they can be used for this lawsuit. The monies for administrative and legal expenses can be used for this lawsuit.

About a week ago I went to a fundraiser for an organization in my town that is actually housed in one of our VA facilities. They lease some space for it for a really fine hospice program. And I just happened to be sitting next to a woman who, as it turned out, we had a mutual friend. Her new daughter-in-law used to work for me. And we began talking, and she told me how her 34-year-old daughter had died 2 years before from lung cancer, a remarkably young age. But, of course, like so many of us American kids that start smoking

when they are 14, 15, or 16, that can be a 20-year history of smoking a pack a day. And it really brought home the ominous nature of what we are talking about here and the dramatic effect this can have on people's lives.

Like the gentleman from Iowa (Mr. GANSKE), who spoke earlier, multiple times, as a medical student and as a resident, I have either dealt with folks in the end stage of some tobacco-related illness or had to be the one to tell them that they had a lung cancer or that their health had deteriorated because of their tobacco use.

So this is a big deal in the veterans' health care system. Frankly, I do not understand why the majority is drawing a line in the sand over the Waxman amendment when it so clearly states these funds would only come from administrative and legal expenses, not from health care. And, frankly, I am starting to resent the implication that by voting for the Waxman amendment that somehow I, as a family doctor, am voting to take away health care dollars from the VA. That is not what this amendment is about, and that is certainly not what the American people want or expect us to do. They expect us to find dollars to provide for our veterans' health care.

Mr. WAXMAN. Mr. Chairman, will the gentleman yield?

Mr. SNYDER. I yield to the gentleman from California.

Mr. WAXMAN. Mr. Chairman, I thank the gentleman for yielding to me. I hear from the other side the argument that they would like to have it come from the Department of Veterans Affairs but not from this particular section. And the reason I did not offer it in any other way is because of the possibility of a point of order.

But if we are willing to have this worked out, I could, by unanimous consent, if everyone would agree, to change the amendment to say, on page 9 line 3, after the word insert the following, the Department of Veterans Affairs may transfer funds from the general operating expenses of the Department for the purposes of supporting the tobacco litigation.

Let me put that forward and see if that resolves the opposition. Because I have not heard people on the other side say they do not want to fund the litigation, although we think that they would pull the plug on the litigation if they have that rider that has come out of the Committee on Appropriations. But if this is a more acceptable route, maybe we could do that, as long as we are funding the litigation.

So we would say, in effect, the Department of Veterans Affairs may transfer funds from the general operating expenses of the Department for the purposes of supporting the tobacco litigation.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. SNYDER. I yield to the gentleman from New York.

Mr. WALSH. Mr. Chairman, responding to the gentleman from California, first of all, we have had about 3½ hours of debate now on this amendment, and if the gentleman would like to change the amendment, we would be glad to take a look at the language; and if the language is in order, then we would take it at the proper point in the bill. But I would remind the gentleman that we only preclude the use of funds in the medical care portion.

The CHAIRMAN. The time of the gentleman from Arkansas (Mr. SNYDER) has expired.

(On request of Mr. WAXMAN, and by unanimous consent, Mr. SNYDER was allowed to proceed for 3 additional minutes.)

Mr. WALSH. Mr. Chairman, if the gentleman will continue to yield, as we tried to explain, and if the gentleman had presented his amendment to us at the beginning of this, before we began to debate, we would have been able to maybe work through this a little easier.

Let me read the language in the bill. It says, ''None of the foregoing funds,'' meaning the funds within the medical care portion of the bill. And I would restate that, ''None of the foregoing funds,'' meaning the medical care portion of the bill, ''may be transferred to the Department of Justice for the purposes of supporting tobacco litigation.''

So the only funds that the gentleman cannot get at in this bill are in the medical care portion of the bill, that the Justice Department cannot get at, are in the medical care portion of the bill. So I do not believe there is any need for any additional language.

Mr. WAXMAN. Mr. Chairman, if the gentleman will continue to yield, I did not quite hear the last point the gentleman made. The gentleman is saying we do not need another amendment if we accept the idea that it is coming out of the Veterans Administration?

Mr. WALSH. If the Veterans Administration decides that they want to use funds to provide to the Justice Department's lawyers, they would have to come back to the gentleman from West Virginia (Mr. MOLLOHAN) and I for reprogramming.

Mr. WAXMAN. If the gentleman would yield further, it seems to me, if that is the point of the gentleman, there should not be any problem with having a unanimous consent understanding right here and now to put this in the bill.

If the gentleman is saying we do not need it, I disagree with the gentleman. Because as I understand it, the Veterans Administration would then have to reprogram funds, and that would require legislation. But if the gentleman would permit, I will make a unanimous consent.

Mr. WALSH. It does not require additional legislation.

REQUEST FOR MODIFICATION TO AMENDMENT OFFERED BY MR. WAXMAN

Mr. WAXMAN. Mr. Chairman, if we have no disagreement on the issue, then I would ask unanimous consent that the amendment be modified to provide that the Department of Veterans Affairs may transfer funds from the general operating expenses of the Department for the purposes of supporting the tobacco litigation.

Mr. WALSH. I object.

The CHAIRMAN. Objection is heard.

Mr. WAXMAN. Mr. Chairman, will the gentleman continue to yield?

Mr. SNYDER. I yield to the gentleman from California.

Mr. WAXMAN. Mr. Chairman, I thank the gentleman for continuing to yield to me, just to say one last thing, and that is that we tried to meet the objection that has been raised on the other side and we have been unable to do that. We need this amendment.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. SNYDER. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I thank the gentleman for yielding. Let me simply point out that the point the gentleman from California has made is a crucial point.

The issue goes to reprogramming, because what this committee has tried to do in bill after bill is to prevent the administration, first of all, from directly spending. In one subcommittee they refused to appropriate any money for the suit. And then they required them to come back for reprogramming from at least two subcommittees from which it is known they will never get approval for that reprogramming request.

The CHAIRMAN. The time of the gentleman from Arkansas (Mr. SNYDER) has again expired.

(On request of Mr. OBEY, and by unanimous consent, Mr. SNYDER was allowed to proceed for 1 additional minute.)

Mr. OBEY. Mr. Chairman, if the gentleman will continue to yield, what this really is, when we couple the refusal to appropriate the dollars in one subcommittee with the limitation on transfers from other agencies with the requirement for reprogramming, we have a three-pronged attack that winds up enabling people to pretend that they have not blocked the tobacco suit when in fact they have.

It is a way for the Congress to cover itself and pretend that it is not stopping the suit against the tobacco companies when in practical terms the way this institution operates we know that it is shutting down and closing every door available to the Justice Department to pursue that suit.

The CHAIRMAN. The time of the gentleman from Arkansas (Mr. SNYDER) has once again expired.

(On request of Mr. WAXMAN, and by unanimous consent, Mr. SNYDER was allowed to proceed for 3 additional minutes.)

Mr. WAXMAN. Mr. Chairman, will the gentleman yield?

Mr. SNYDER. I yield to the gentleman from California.

Mr. WAXMAN. Mr. Chairman, we are getting close, I think, to the end of this debate, and I just want to summarize where we are.

We argued that we should not preclude the transfer of funds so that the litigation could go forward. The chairman of the subcommittee said he wants the litigation to go forward; he just does not want the funds out of this account. We took that to heart and drafted our amendment so it would not come out of the part of the account that goes to health care services. We tried to get an agreement that it comes out of other parts of the Department of Veterans Affairs, but the ranking member of the Committee on Appropriations has told us why that will not work.

So where we are is with this amendment, and this amendment would take the funds out of the litigation and administrative expense part of the Veterans Affairs health program, and allow the use of it to pay for litigation expenses for the tobacco companies. We think that will produce a great deal of money for the Veterans Administration's health care program.

Not only do we think that, but the Veterans of Foreign Wars, the Paralyzed Veterans of America, the Disabled American Veterans, and AMVETS agree with us. That is why they are supporting our amendment.

□ 2030

I urge Members to support our amendment. If it is defeated, the rider will stand in this appropriations bill and the litigation may well be stopped in its tracks. So I hope that Members understand where we are and, if they do believe this litigation ought to go forward, that they will vote for WAXMAN, EVANS, and others who have joined with us in this amendment.

Mr. SNYDER. Mr. Chairman, this is not about taking monies from veterans' health care, but it is about using veterans' health care legal expenses for litigation. That is what the Waxman amendment does. It has nothing to do with decreasing health care for veterans.

Mr. LEWIS of Kentucky. Mr. Chairman, I rise in strong opposition to this amendment.

Funds appropriated in this legislation are intended to provide for the veterans who have served our nation so well. The funds in this legislation are intended for housing assistance for Americans in need. There are funds here for environmental protection and our space program. What this legislation is not intended to do is pay for politically motivated lawsuits for the Justice Department.

The Justice Department is not prohibited from using its civil funds to pay for this lawsuit. It is not prohibited from asking Chairman ROGERS' subcommittee to allow for reprogramming of its funds. However, this Congress needs to send a clear message to the Justice Department that it IS prohibited from using veterans' health care money for this lawsuit, and that it is required to live with the appropriations Congress approves.

The federal tobacco lawsuit is bad public policy and a waste of taxpayer dollars. The case is not about the law, but about the federal government extorting money from an industry it does not like. Which industry will be the next victim of this punitive action?

The tobacco industry, in accordance with the terms of its 1998 settlement with the states, has changed its marketing, advertising and business practices. The industry is also paying the states billions of dollars.

Now the Justice Department wants a share of this revenue stream for the federal government and is willing to further sidestep Congress and take money from veterans programs to try to get it.

The Justice Department needs to stop stealing veteran's health care funds to pay for its baseless lawsuit. This suit claims the federal government and the public were deceived about the health risks of tobacco products. The same federal government that claims it was ''deceived'' has required health warnings on tobacco products since the 1960's. The Surgeon General's 1964 report details the risks of tobacco use. The American people are not as stupid as this lawsuit claims—people know the health risks associated with use of tobacco products. It is absurd to claim ignorance on this point.

Adult consumers have the right to make risk judgments and choose the legal products they use. They also need to take responsibility for those choices.

No federal law gives the government authority to collect Medicare funds as proposed in this lawsuit. Three years ago, Attorney General Reno testified to the Senate that no federal cause of action existed for Medicare and Medicaid claims. Suddenly she has changed her tune under pressure from the White House. The Justice Department, on the same day it announced this civil lawsuit, ended its five-year investigation of the tobacco industry without making any criminal charges.

Last year the Congressional Research Service concluded that with a full accounting of costs of lifetime government funded health care and benefits for tobacco users and tobacco excise taxes, the federal government actually nets $35 billion per year. There are not costs for the federal government to recover. It is already making money off of tobacco use, and this Administration only wants more.

The absurdity of this legislating by litigation aside, one issue should be clear to everyone today. Veterans' health benefits are not intended to pay trial lawyers in a politically-motivated lawsuit. This is not a rider; this is not special treatment. This is Congress carrying out our role in appropriating how tax dollars are spent. This Justice Department must follow Congressional intent. If it wants to fund this suit, it should do so with its funds, not the veterans'. Please vote no on this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. WAXMAN).

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. WALSH. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 197, noes 207, not voting 30 as follows:

[Roll No. 293]

AYES—197

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Brady (PA)
Brown (OH)
Capps
Capuano
Cardin
Carson
Castle
Condit
Conyers
Costello
Coyne
Crowley
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Ehlers
Eshoo
Evans
Farr
Filner
Foley
Ford
Frank (MA)
Franks (NJ)
Frost
Gallegly
Ganske
Gejdenson
Gilchrest
Gilman
Gonzalez
Green (TX)
Greenwood
Gutierrez
Hall (OH)
Hansen
Hastings (FL)
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Horn
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Kucinich
Kuykendall
LaFalce
Lampson
Lantos
Larson
LaTourette
Lazio
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Miller, George
Minge
Mink
Moakley
Moore
Moran (KS)
Morella
Murtha
Nadler
Napolitano
Neal
Ney
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Peterson (MN)
Pomeroy
Porter
Pryce (OH)
Rahall
Ramstad
Rangel
Reyes
Rivers
Rodriguez
Roemer
Roukema
Rush
Sabo
Salmon
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schakowsky
Serrano
Shays
Sherman
Sherwood
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Stabenow
Stark
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson (CA)
Thune
Thurman
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Wolf
Woolsey
Wu
Wynn

NOES—207

Aderholt
Archer
Armey
Baca
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berkley
Biggert
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boucher
Boyd
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Cooksey
Cox
Cramer
Crane
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Ehrlich
English
Etheridge
Everett
Fletcher
Forbes
Fossella
Frelinghuysen
Gekas
Gibbons
Gillmor
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (WI)
Gutknecht
Hall (TX)
Hastings (WA)
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson

| | | |
|---|---|---|
| Istook | Packard | Skeen |
| Jenkins | Paul | Smith (MI) |
| John | Pease | Smith (TX) |
| Johnson, Sam | Peterson (PA) | Souder |
| Jones (NC) | Petri | Spence |
| Kasich | Phelps | Spratt |
| Kelly | Pickering | Stearns |
| Kingston | Pickett | Stenholm |
| Knollenberg | Pitts | Stump |
| Kolbe | Pombo | Sununu |
| LaHood | Portman | Sweeney |
| Latham | Price (NC) | Talent |
| Lewis (CA) | Quinn | Tancredo |
| Lewis (KY) | Radanovich | Tanner |
| Linder | Regula | Tauzin |
| Lucas (KY) | Reynolds | Taylor (NC) |
| Lucas (OK) | Riley | Terry |
| Maloney (CT) | Rogan | Thomas |
| Manzullo | Rogers | Thompson (MS) |
| McCrery | Rohrabacher | Thornberry |
| McHugh | Ros-Lehtinen | Tiahrt |
| McInnis | Royce | Toomey |
| McIntyre | Ryan (WI) | Vitter |
| McKeon | Ryun (KS) | Walden |
| Metcalf | Sanchez | Walsh |
| Mica | Sanford | Wamp |
| Miller (FL) | Schaffer | Watkins |
| Miller, Gary | Scott | Watts (OK) |
| Mollohan | Sensenbrenner | Weldon (FL) |
| Myrick | Sessions | Weldon (PA) |
| Nethercutt | Shadegg | Weller |
| Northup | Shaw | Whitfield |
| Norwood | Shimkus | Wicker |
| Nussle | Shows | Wilson |
| Ose | Simpson | Young (AK) |
| Oxley | Sisisky | Young (FL) |

NOT VOTING—30

| | | |
|---|---|---|
| Bilbray | Fowler | Oberstar |
| Brown (FL) | Gephardt | Owens |
| Campbell | Hayes | Payne |
| Cannon | Hooley | Pelosi |
| Coburn | Largent | Rothman |
| Cook | Martinez | Roybal-Allard |
| Dunn | McCollum | Shuster |
| Emerson | McIntosh | Vento |
| Engel | Millender-McDonald | Weiner |
| Ewing | Moran (VA) | |
| Fattah | | |

□ 2050

Mr. HILLIARD changed his vote from ''aye'' to ''no.''

Ms. KILPATRICK and Messrs. SMITH of New Jersey, HALL of Ohio, EHLERS and GILCHREST changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Ms. MILLENDER-McDONALD. Mr. Chairman, on rollcall No. 293, I was unavoidably detained and was unable to make this vote. Had I been present, I would have voted ''aye.''

Stated against:

Mr. HAYES. Mr. Chairman, on rollcall No. 293, I was inadvertently detained. Had I been present, I would have voted ''no.''

Mr. WALSH. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. OSE) having assumed the chair, Mr. Pease, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4635) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2001, and for other purposes, had come to no resolution thereon.

## PERSONAL EXPLANATION

Ms. JACKSON-LEE of Texas. Mr. Speaker, on June 15 I was away from the floor on official business and missed rollcall vote number 289, the Weldon amendment to H.R. 4578. If I was present I would have voted no. And on rollcall vote 288, the Nethercutt amendment to H.R. 4578, if I was present, I would have voted no.

□

## REPORT ON DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 2001

Mr. ROGERS, from the Committee on Appropriations, submitted a privileged report (Reprt. No. 106–680) on the bill (H.R. 4690) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2001, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore. All points of order are reserved on the bill.

□

## REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4201, NONCOMMERCIAL BROADCASTING FREEDOM OF EXPRESSION ACT OF 2000

Mr. LINDER, from the Committee on Rules, submitted a privileged report (Rept. No. 106–681) on the resolution (H. Res. 527) providing for consideration of the bill (H.R. 4201) to amend the Communications Act of 1934 to clarify the service obligations of noncommercial educational broadcast stations, which was referred to the House Calendar and ordered to be printed.

□

## REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF HOUSE JOINT RESOLUTION 90, WITHDRAWING APPROVAL OF UNITED STATES FROM AGREEMENT ESTABLISHING WORLD TRADE ORGANIZATION

Mr. LINDER, from the Committee on Rules, submitted a privileged report (Rept. No. 106–682) on the resolution (H. Res. 528) providing for consideration of the joint resolution (H.J. Res. 90) withdrawing the approval of the United States from the Agreement establishing the World Trade Organization, which was referred to the House Calendar and ordered to be printed.

□

## SUPPORTING THE GOALS AND IDEALS OF THE OLYMPICS

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that the Committee on International Relations be discharged from further consideration of the resolution (H.Res. 259) supporting the goals and ideals of the Olympics, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. HASTINGS of Florida. Mr. Speaker, reserving the right to object, I believe the House needs to understand why we are proceeding with this bill in an expeditious manner.

Mr. Speaker, I yield to the distinguished gentleman from New York (Mr. GILMAN).

Mr. GILMAN. Mr. Speaker, I rise in support of House Resolution 259, a measure to support the goals and ideals of the Olympics. June 23 is the anniversary date on which the Congress of Paris approved the proposal to found the modern Olympics. This resolution recognizes the value of the Olympic games, calls for Congress and the American people to observe the anniversary, and for the President to issue a proclamation in observation.

The Committee on International Relations readily supported this resolution. I want to commend the gentleman from Kansas (Mr. RYUN) for introducing the measure. The Olympics showcases amateur athletes, and our country should encourage the spirit of competition and achievement exemplified by these games.

I thank the gentleman for yielding.

Mr. HASTINGS of Florida. Mr. Speaker, further reserving the right to object, I yield to the gentleman from Kansas (Mr. RYUN).

Mr. RYUN of Kansas. Mr. Speaker, first I would like to express my thanks to the gentleman from New York (Mr. GILMAN) for bringing this bill before the Committee on International Relations and to the House floor today.

House Resolution 259 recognizes the goals and ideals of the modern Olympic movement as propounded by Pierre de Coubertain, particularly the spread of a better and more peaceful world through sports. On June 23, the Olympic community will recognize this anniversary, so the timing of this bill on the House floor today could not be better.

Mr. Speaker, in September, millions of Americans will gather around their televisions to watch our Olympians compete in Sydney. Who among us can forget the amazing feats of the Olympians throughout the years. While each of us has our own memories of the greatest Olympic moment, the Olympics gives this Nation the collective sense of oneness and pride that many times is lost in the worlds of professional sports and business and politics. Through the years, U.S. athletes have not only been outstanding standard-bearers of the Olympic ideal, but they have consistently been among the world's best in the athletic arena.

I had the distinct privilege to represent my country three times in the Olympic games. Each experience was different, but each represented the opportunity to put on the uniform that read USA. Not long before I attempted