each spouse is taxed using the rates applicable to unmarried individuals; to the Committee on Finance.

By Mr. FAIRCLOTH:

S. 1315. A bill to establish an Office of National Security within the Securities and Exchange Commission, provide for the monitoring of the extent of foreign involvement in United States securities markets, financial institutions, and pension funds, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. ABRAHAM (for himself, Mr. BROWNBACK, Mr. KYL, Mr. HAGEL, Mr. ALLARD, Mr. FAIRCLOTH, Mr. NICKLES, and Mr. GRAMM):

S. 1316. A bill to dismantle the Department of Commerce; to the Committee on Governmental Affairs.

By Mr. LAUTENBERG (for himself and Mr. BAUCUS):

S. 1317. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to expand the opportunity for health protection for citizens affected by hazardous waste sites; to the Committee on Environment and Public Works.

By Mr. ABRAHAM (for himself and Ms. LANDRIEU):

S. 1318. A bill to establish an adoption awareness program, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. BYRD (for himself and Mr. MOYNIHAN):

S. 1319. A bill to repeal the Line Item Veto Act of 1996; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, as modified by the order of April 11, 1986, with instructions that if one committee reports, the other committee have 30 days to report or be discharged.

By Mr. ROCKEFELLER (for himself, Mr. DASCHLE, Mr. AKAKA, Mr. WELLSTONE, and Mrs. MURRAY):

S. 1320. A bill to provide a scientific basis for the Secretary of Veterans Affairs to assess the nature of the association between illnesses and exposure to toxic agents and environmental or other wartime hazards as a result of service in the Persian Gulf during the Persian Gulf war for purposes of determining a service connection relating to such illnesses, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. JEFFORDS:

S.J. Res. 37. A joint resolution to provide for the extension of a temporary prohibition of strikes or lockout and to provide for binding arbitration with respect to the labor dispute between Amtrak and certain of its employees; read the first time.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. HELMS (for himself, Mr. LOTT, Mr. FAIRCLOTH, Mr. BREAUX, Mr. HOLLINGS, Mr. BINGAMAN, Mr. BROWNBACK, and Mr. INOUYE):

S. Res. 140. A resolution expressing the sense of the Senate in support of the President's action to eliminate discriminatory trade practices by Japan relating to international shipping; to the Committee on Commerce, Science, and Transportation.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. FAIRCLOTH:

S. 1313. A bill to establish an Office of National Security within the Securities and Exchange Commission, provide for the monitoring of the extent of foreign involvment in U.S. securities markets, financial institutions, and pension funds, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

THE U.S. MARKET SECURITY ACT OF 1997

Mr. FAIRCLOTH. Mr. President, on October 28 the President of the People's Republic of China will begin an official state visit to this country. Jiang Zemin is coming. It is reported, as a gift to him, the Clinton administration will applaud China's policy on weapons proliferation.

As a reward for China's responsible behavior, President Clinton and Vice President GORE plan to willingly, without reservation, share our most sensitive nuclear technology with China.

There is something very suspicious about this drastic shift in U.S. foreign policy. I cannot understand why the administration would negotiate this kind of deal?

Hasn't the CIA told us that China serves as the weapons clearinghouse of the world? Why in the world would President Clinton seek to abandon a longstanding Federal law that has prohibited American corporations from selling nuclear technology to Communist China.

It appears this is payback time.

Senator THOMPSO9N and the Governmental Affairs Committee have spent the last few months searching for why China would funnel illegal contributions into American political campaigns. Perhaps the pieces of the puzzle are starting to come together.

Clearly, the Chinese Government wants the best American technology for both military and commercial use. China wants both nuclear weapons and nuclear powerplants.

Apparently, President Clinton And vice President GORE are convinced that the best American nuclear technology is none too good for Beijing.

Now I understand that there are some very good American companies which stand to make billions from this deal. Certainly the foreign policy establishment is excited about all of the new lobbying and consulting possibilities. But aren't there some far more important factors to be considered?

Let me remind the Clinton administration that its own Central Intelligence Agency concluded in July that the People's Republic of China had become the most significant supplier of nuclear and chemical weapons technology to foreign countries.

Let me remind the Clinton administration that the People's Republic of China sold chemical weapons materials to Iran and missiles and ring magnets used to process uranium to Pakistan.

Let me remind the Clinton administration that the People's Republic of China has a long history of misrepresenting the use of American technology it buys and then reselling it to other nations, often terrorist countries like Iran.

Mr. President, selling nuclear technology to the Chinese is a terrible idea. Even worse, however, is the thought that Americans are paying for it too.

Since 1989, the Peoples Republic of China and various businesses connected to the Chinese Government have issued nearly $7 billion in bonds denominated in United States dollars.

China itself has issued some $2.7 billion in such bonds.

The Chinese International Trading and Investment Co., Chaired by Wang Jung, reportedly connected to the Chinese Army, has issued $800 million in bonds in the United States during the past few years.

If Mr. Jung's name sounds familiar—its because he was at the White House having coffee with the President on February 6, 1996. What a delightful man for a tea party.

It was also discovered that Mr. Jung's other company, Poly Technologies, was responsible for smuggling AK–47's to Los Angeles gangs.

This is the man that was at the tea party.

The Bank of China has also issued some $80 million in dollar denominated bonds in the United States. This is the same bank that wired money to Charlie Trie on a regular basis.

Mr. President, my greatest concern is that American mutual funds and pension funds will end up owning these bonds. Where else is there for them to go except to mutual funds and pension funds? To say that these bonds are risky is putting a nice face on them. If these companies default, they will stick the American taxpayer with the bill on the Chinese bonds.

Today, I am introducing legislation that will require the SEC to establish an office of national security that will routinely report to the Congress on security offerings by foreign governments and companies. This will also require the Pension Benefit Guaranty Corporation to annually review America's pension funds and report on the number of foreign securities being held.

It is time that Congress and the American public start paying attention to this quiet financial invasion. We need to pay attention to what is in America's retirement funds because we know who will pick up the deficit.

Already, it has been reported that the Arkansas State Teachers' Retirement Fund is holding roughly 40 percent of its assets in Pacific rim entities, several of which are Chinese.

If so, this is a tragedy for people who worked all their lives and are counting on that pension for their retirement peace of mind, when in reality it might not happen.

Mr. President, maybe this administration thinks the American people don't care about China's activities. Maybe I'm wrong, but I believe the American people do care. They know the Chinese people are oppressed by a

Communist government that uses capitalism when it is convenient to further their death grip on political power.

They know that China engages in unfair trading practices which result in a $50 billion trade deficit with the American people on an annual basis. They know that China oppresses their people and flagrantly violates human rights. They know China uses slave labor to make products for sale. They know that China sells the internal organs of executed prisoners on the black market. They know China infringes patents by selling pirated copies of American products. They know the People's Liberation Army is buying businesses in the United States as fronts for their secretive dealings. They know China persecutes Christians and religious believers.

I say to President Clinton and Vice President GORE that the American people do care. And remember that while the People's Republic of China may have supported their reelection campaigns, they do not support the freedom campaign of their own people.

Selling highly sensitive nuclear technology to China is a bad idea with extremely dangerous consequences. Permitting the invasion of our capital markets is another bad idea with worse potential consequences.

I also believe that allowing China to own ports on both ends of the Panama Canal is another bad idea, from whence they could dominate the canal and will bring dangerous consequences to our national security.

The Clinton administration and this Congress will face a difficult decision between two very strong competing forces—money and morality. I hope they decide to do what is in the best interests of the American people, not their foreign campaign donors that have all fled the country.

By Mr. FAIRCLOTH:

S. 1315. A bill to establish an Office of National Security within the Securities and Exchange Commission, provide for the monitoring of the extent of foreign involvement in United States securities markets, financial institutions, and pension funds, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

THE TOBACCO TRANSITION ACT

Mr. LUGAR. Mr. President, I rise today to introduce legislation to reform the federal tobacco quota and price support programs. This legislation would provide economic assistance to tobacco quota owners, tobacco producers, and tobacco-dependent communities as they make the transition to the free market.

Nearly every American is aware of the global tobacco settlement between 40 States' attorneys general and cigarette companies. Tobacco farmers and their communities were conspicuously omitted from these negotiations. Yet the settlement offers Congress a unique opportunity to provide economic assistance to tobacco farmers while ending the federal government's support for tobacco production.

My legislation would buy out tobacco marketing quotas, provide transition payments to tobacco producers, phase out the price support program, and provide economic assistance to tobacco-dependent communities. The cost of these reforms would be approximately $15 billion and would be paid for with funds from the tobacco settlement. Because farmers were not considered in the negotiations that led to this settlement, this amount would be added to the current $368.5 billion.

Under my legislation, the tobacco quota program would end in 1999 and, beginning that year, the price support program would be phased out over three years. In 1999, price supports would decline by 25 percent, then by an additional 10 percent in each of 2000 and 2001, and would end thereafter.

Quota owners would receive $8 for every pound of quota they own. They could elect to receive either first, a lumpsum payment in 1999 if they agree to cease tobacco production altogether, or second, three equal annual payments beginning in 1999 if they choose to continue to produce tobacco.

Tobacco producers would receive transition payments of 40 cents per pound over 3 consecutive years for tobacco quota that they lease or rent on a cash-rent or crop-share basis. Transition payments would be based on the average of at least 3 years of production over the 1993–97 period. Producers who both own and lease quota would receive transition payments based on their leased quota and a buyout based on the quota they own.

Under this legislation, producers would be able to grow whatever amounts of tobacco they choose—free of Government control. Most other farm programs went through a similar change just last year when Congress passed the freedom-to farm legislation. The global tobacco settlement would provide the funds to assist tobacco farmers as they join other farmers in the free market.

Communities that are economically dependent on tobacco production would receive $300 million in economic assistance. Eligible States would receive block grants to facilitate the development of alternative crops, industries, and infrastructure. Recipient States would then determine the areas most in need of assistance.

Mr. President, with or without a settlement, the forces to reform the tobacco program have been converging for some time now and they can no longer be ignored. High-domestic price supports have hurt the competitiveness of U.S.-grown tobacco. Exports of tobacco have fallen, while imports have grown. Congress has already ended Government control over nearly every other farm commodity. And, most importantly, Congress cannot ask Americans to accept Federal support for tobacco production when we are considering legislation to settle claims that stem directly from tobacco use.

Clearly, the tobacco program may not be sustainable for much longer. With that reality facing all tobacco producers, we should not pass up this opportunity to provide economic assistance to farmers and their communities.

Mr. President, I ask unanimous consent that the text of the bill be included in the RECORD.

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

S. 1315

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Tobacco Transition Act''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to authorize the use of binding contracts between the United States and tobacco quota owners and tobacco producers to compensate them for the termination of Federal programs that support the production of tobacco in the United States;

(2) to make available to States funds for economic assistance initiatives in counties of States that are dependent on the production of tobacco; and

(3) to terminate Federal programs that support the production of tobacco in the United States.

SEC. 3. DEFINITIONS.

In this Act:

(1) ASSOCIATION.—The term ''association'' means a producer-owned cooperative marketing association that has entered into a loan agreement with the Commodity Credit Corporation to make price support available to producers.

(2) BUYOUT PAYMENT.—The term ''buyout payment'' means a payment made to a quota owner under section 104 in 1 or more installments in accordance with section 102(c)(1).

(3) CONTRACT.—The term ''contract'' or ''tobacco transition contract'' means a contract entered into under section 102.

(4) GOVERNOR.—The term ''Governor'' means the chief executive officer of a State.

(5) LEASE.—The term ''lease'' means a rental of quota on either a cash rent or crop share basis.

(6) MARKETING YEAR.—The term ''marketing year'' means—

(A) in the case of Flue-cured tobacco, the period beginning July 1 and ending the following June 30; and

(B) in the case of each other kind of tobacco, the period beginning October 1 and ending the following September 30.

(7) OWNER.—The term ''owner'' means a person who, at the time of entering into a tobacco transition contract, owns quota provided by the Secretary.

(8) PHASEOUT PERIOD.—The term ''phaseout period'' means the 3-year period consisting of the 1999 through 2001 marketing years.

(9) PRICE SUPPORT.—The term ''price support'' means a nonrecourse loan provided by the Commodity Credit Corporation through an association for the kind of tobacco involved.

(10) PRODUCER.—The term ''producer'' means a person who during at least 3 of the 1993 through 1997 crops of tobacco (as determined by the Secretary) that were subject to quota—

(A) leased quota;

(B) shared in the risk of producing a crop of tobacco; and

(C) marketed the tobacco subject to quota.

(11) QUOTA.—The term ''quota'' means the quantity of tobacco produced in the United States, and marketed during a marketing year, that will be used in, or exported from, the United States during the marketing year (including an adjustment for stocks), as estimated by the Secretary.

(12) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

(13) STATE.—The term ''State'' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any other territory or possession of the United States.

(14) TOBACCO.—The term ''tobacco'' means any kind of tobacco for which a marketing quota is in effect or for which a marketing quota is not disapproved by producers.

(15) TOBACCO TRANSITION ACCOUNT.—The term ''Tobacco Transition Account'' means the Tobacco Transition Account established by section 101(a).

(16) TRANSITION PAYMENT.—The term ''transition payment'' means a payment made to a producer under section 105 for each of the 1999 through 2001 marketing years.

(17) TRUST FUND.—The term ''Trust Fund'' means the National Tobacco Settlement Trust Fund established in the Treasury of the United States consisting of amounts that are appropriated or credited to the Trust Fund from the tobacco settlement approved by Congress.

(18) UNITED STATES.—The term ''United States'', when used in a geographical sense, means all of the States.

TITLE I—TOBACCO PRODUCTION TRANSITION

Subtitle A—Tobacco Transition Contracts

SEC. 101. TOBACCO TRANSITION ACCOUNT.

(a) ESTABLISHMENT.—There is established in the Trust Fund a Tobacco Transition Account.

(b) USE.—Funds appropriated or credited to the Tobacco Transition Account shall be available for providing buyout payments and transition payments authorized under this subtitle.

(c) TERMINATION.—The Tobacco Transition Account terminates effective September 30, 2001.

SEC. 102. OFFER AND TERMS OF TOBACCO TRANSITION CONTRACTS.

(a) OFFER.—The Secretary shall offer to enter into a tobacco transition contract with each owner and producer of tobacco.

(b) TERMS.—Under the terms of a contract, the owner or producer shall agree, in exchange for a payment made pursuant to section 104 or 105, as applicable, to relinquish the value of quota that is owned or leased.

(c) RIGHTS OF OWNERS AND PRODUCERS.—

(1) OWNERS.—An owner shall elect to receive a buyout payment in—

(A) 1 installment for the kind of tobacco involved, in exchange for permanently foregoing production of tobacco; or

(B) 3 equal installments, 1 installment for each of the 1999 through 2001 crops of tobacco, in which case the owner shall have the right to continue production of each of those crops.

(2) PRODUCERS.—In the case of each of the 1999 through 2001 crops for the kind of tobacco involved, a producer who is not an owner during the 1998 marketing year for the kind of tobacco involved shall not be subject to any restrictions on the quantity of tobacco produced or marketed.

SEC. 103. ELEMENTS OF CONTRACTS.

(a) DEADLINES FOR CONTRACTING.—

(1) COMMENCEMENT.—To the maximum extent practicable, the Secretary shall commence entering into contracts under this subtitle not later than 90 days after the date of enactment of this Act.

(2) DEADLINE.—The Secretary may not enter into a contract under this subtitle after June 31, 1999.

(b) DURATION OF CONTRACT.—

(1) BEGINNING DATE.—The term of a contract shall begin on the date that is the beginning of the 1999 marketing year for the kind of tobacco involved.

(2) TERMINATION DATE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term of a contract shall terminate on the date that is the end of the 2001 marketing year for the kind of tobacco involved.

(B) EXCEPTION.—In the case of an owner who enters into a contract and elects to receive a buyout payment in 1 installment under section 102(c)(1)(A), the contract shall be permanent.

(c) TIME FOR PAYMENT.—

(1) IN GENERAL.—A buyout payment or transition payment shall be made not later than the date that is the beginning of the marketing year for the kind of tobacco involved for each year of the term of a tobacco transition contract of an owner or producer of tobacco.

(2) APPLICABILITY.—This subsection shall be applicable to all payments covered by section 102(c).

SEC. 104. BUYOUT PAYMENTS TO OWNERS.

(a) IN GENERAL.—During the phaseout period, the Secretary shall make buyout payments to owners in accordance with section 102(c)(1).

(b) COMPENSATION FOR LOST VALUE.—The payment shall constitute compensation for the lost value to the owner of the quota.

(c) PAYMENT CALCULATION.—Under this section, the total amount of the buyout payment made to an owner shall be determined by multiplying—

(1) $8.00; by

(2) the average annual quantity of quota owned by the owner during the 1995 through 1997 crop years.

SEC. 105. TRANSITION PAYMENTS TO PRODUCERS.

(a) IN GENERAL.—The Secretary shall make transition payments during each of the 1999 through 2001 marketing years for a kind of tobacco that was subject to a quota to a producer who—

(1) produced the kind of tobacco during at least 3 of the 1993 through 1997 crop years; and

(2) entered into a tobacco transition contract.

(b) TRANSITION PAYMENTS LIMITED TO LEASED QUOTA.—A producer shall be eligible for transition payments only for the portion of the production of the producer that is subject to quota that is leased during the 3 crop years described in subsection (a)(1).

(c) COMPENSATION FOR LOST REVENUE.—The payments shall constitute compensation for the lost revenue incurred by a tobacco producer during each of the 1999 through 2001 marketing years for the kind of tobacco involved.

(d) ELECTION BY PRODUCER; PRODUCTION.—

(1) ELECTION.—The producer may elect which 3 of the 1993 through 1997 crop years shall be used for the calculation under subsection (e).

(2) PRODUCTION.—The producer shall have the burden of demonstrating to the Secretary the production of tobacco for each year of the election.

(e) PAYMENT CALCULATION.—Under this section, each of the 3 transition payments made to a producer for the kind of tobacco involved shall be determined by multiplying—

(1) 40 cents; by

(2) the average quantity of the kind of tobacco produced by the producer during the 3 crop years elected by the producer under subsection (d).

Subtitle B—Rural Economic Assistance Block Grants

SEC. 111. RURAL ECONOMIC ASSISTANCE BLOCK GRANTS.

(a) IN GENERAL.—For each of fiscal years 1999 through 2001, the Secretary shall use funds in the Tobacco Transition Account to provide block grants to tobacco-growing States to assist areas of such a State that are economically dependent on the production of tobacco.

(b) FUNDING.—To carry out this section, there shall be credited to the Tobacco Transition Account, from the Trust Fund, $100,000,000 for each of fiscal years 1999 through 2001.

(c) PAYMENTS BY SECRETARY TO TOBACCO-GROWING STATES.—

(1) IN GENERAL.—The Secretary shall use the amount available for a fiscal year under subsection (b) to make block grant payments to the Governors of tobacco-growing States.

(2) AMOUNT.—The amount of a block grant paid to a tobacco-growing State shall be based on—

(A) the number of counties in the State in which tobacco production is a significant part of the county's economy; and

(B) the level of economic dependence of the county on tobacco production.

(d) GRANTS BY STATES TO ASSIST TOBACCO-GROWING AREAS.—

(1) IN GENERAL.—A Governor of a tobacco-growing State shall use the amount of the block grant to the State under subsection (c) to make grants to counties or other public or private entities in the State to assist areas that are dependent on the production of tobacco, as determined by the Governor.

(2) AMOUNT.—The amount of a grant paid to a county or other entity to assist an area shall be based on (as determined by the Secretary)—

(A) the ratio of gross tobacco sales receipts in the area to the total farm income in the area; and

(B) the ratio of all tobacco related receipts in the area to the total income in the area.

(3) USE OF GRANTS.—A county or other entity that receives a grant under this subsection shall use the grant in a manner determined appropriate by the county or entity (with the approval of the State) to assist producers and other persons who are economically dependent on the production of tobacco, including use for—

(A) on-farm diversification and alternatives to the production of tobacco and risk management; and

(B) off-farm activities such as development of non-tobacco related jobs.

(e) TERMINATION OF AUTHORITY.—The authority provided by this section terminates October 1, 2001.

TITLE II—TOBACCO PRICE SUPPORT AND PRODUCTION ADJUSTMENT PROGRAMS

Subtitle A—Tobacco Price Support Program

SEC. 201. INTERIM REFORM OF TOBACCO PRICE SUPPORT PROGRAM.

(a) PRICE SUPPORT RATES.—Section 106 of the Agricultural Act of 1949 (7 U.S.C. 1445) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) IN GENERAL.—The price support rate for each kind of tobacco for which quotas have been approved shall be reduced by—

''(1) for the 1999 crop, 25 percent from the 1998 support rate for the kind of tobacco involved;

''(2) for the 2000 crop, 10 percent from the 1999 support rate for the kind of tobacco involved; and

''(3) for the 2001 crop, 10 percent from the 2000 support rate for the kind of tobacco involved.'';

(2) by striking subsections (b) and (f); and

(3) by redesignating subsection (c), (d), and (g) as subsections (b), (c), and (d), respectively.

(b) BUDGET DEFICIT ASSESSMENT.—Section 106 of the Agricultural Act of 1949 (7 U.S.C. 1445) (as amended by subsection (a)(3)) is amended by striking subsection (d) and inserting the following:

''(d) TOBACCO TRANSITION PAYMENT.—Effective only for the 1998 crop of tobacco, the Secretary of the Treasury shall transfer from the Tobacco Transition Account of the National Tobacco Settlement Trust Fund an amount equal to the product obtained by multiplying—

''(1) the amount per pound equal to 2 percent of the national price support level for each kind of tobacco for which price support is made available under this Act; and

''(2) the total quantity of the kind of tobacco that is produced or purchased in, or imported into, the United States.''.

(c) NO NET COST TOBACCO FUND AND ACCOUNT.—

(1) NO NET COST TOBACCO FUND.—Section 106A of the Agricultural Act of 1949 (7 U.S.C. 1445–1) is amended to read as follows:

''SEC. 106A. NO NET COST TOBACCO FUND.

''(a) DEFINITIONS.—In this section:

''(1) ASSOCIATION.—The term 'association' means a producer-owned cooperative marketing association that has entered into a loan agreement with the Corporation to make price support available to producers of a kind of tobacco.

''(2) CORPORATION.—The term 'Corporation' means the Commodity Credit Corporation, an agency and instrumentality of the United States within the Department of Agriculture through which the Secretary makes price support available to producers.

''(3) NET GAINS.—The term 'net gains' means the amount by which the total proceeds obtained from the sale by an association of a crop of quota tobacco pledged to the Corporation for a price support loan exceeds the principal amount of the price support loan made by the Corporation to the association on the crop, plus interest, charges, and costs of administering the price support program.

''(4) NO NET COST TOBACCO FUND.—The term 'No Net Cost Tobacco Fund' means the capital account established within each association under this section.

''(5) PURCHASER.—The term 'purchaser' means any person who purchases in the United States, either directly or indirectly for the account of the person or another person, Flue-cured or burley quota tobacco.

''(6) QUOTA TOBACCO.—The term 'quota tobacco' means any kind of tobacco for which marketing quotas are in effect or for which marketing quotas are not disapproved by producers.

''(7) TRUST FUND.—The term 'Trust Fund' means the National Tobacco Settlement Trust Fund established in the Treasury of the United States consisting of amounts that are appropriated or credited to the Trust Fund from the tobacco settlement approved by Congress.

''(b) PRICE SUPPORT PROGRAM; LOANS.—The Secretary—

''(1) may carry out the tobacco price support program through the Corporation; and

''(2) shall, except as otherwise provided by this section, continue to make price support available to producers through loans to associations that, under agreements with the Corporation, agree to make loan advances to producers.

''(c) ESTABLISHMENT OF FUND.—

''(1) IN GENERAL.—Each association shall establish within the association a No Net Cost Tobacco Fund.

''(2) AMOUNT.—There shall be transferred from the Trust Fund to each No Net Cost Tobacco Fund such amount as the Secretary determines will be adequate to reimburse the Corporation for any net losses that the Corporation may sustain under its loan agreements with the association, based on—

''(A) reasonable estimates of the amounts that the Corporation has lent or will lend to the association for price support for the 1982 and subsequent crops of quota tobacco, except that for the 1986 and subsequent crops of burley quota tobacco, the Secretary shall determine the amount of assessments without regard to any net losses that the Corporation may sustain under the loan agreements of the Corporation with the association for the 1983 crop of burley quota tobacco;

''(B) the cost of administering the tobacco price support program (as determined by the Secretary); and

''(C) the proceeds that will be realized from the sales of tobacco that are pledged to the Corporation by the association as security for loans.

''(d) ADMINISTRATION.—The Secretary shall—

''(1) require that the No Net Cost Tobacco Fund established by each association be kept and maintained separately from all other accounts of the association and be used exclusively, as prescribed by the Secretary, for the purpose of ensuring, insofar as practicable, that the Corporation, under its loan agreements with the association with respect to 1982 and subsequent crops of quota tobacco, will suffer no net losses (including recovery of the amount of loans extended to cover the overhead costs of the association), after any net gains are applied to net losses of the Corporation under paragraph (3), except that, notwithstanding any other provision of law, the association may, with the approval of the Secretary, use funds in the No Net Cost Tobacco Fund, including interest and other earnings, for—

''(A) the purposes of reducing the association's outstanding indebtedness to the Corporation associated with 1982 and subsequent crops of quota tobacco and making loan advances to producers as authorized; and

''(B) any other purposes that will be mutually beneficial to producers and purchasers and to the Corporation;

''(2) permit an association to invest the funds in the No Net Cost Tobacco Fund in such manner as the Secretary may approve, and require that the interest or other earnings on the investment shall become a part of the No Net Cost Tobacco Fund;

''(3) require that loan agreements between the Corporation and the association provide that the Corporation shall retain the net gains from each of the 1982 and subsequent crops of tobacco pledged by the association as security for price support loans, and that the net gains will be used for the purpose of—

''(A) offsetting any losses sustained by the Corporation under its loan agreements with the association for any of the 1982 and subsequent crops of tobacco; or

''(B) reducing the outstanding balance of any price support loan made by the Corporation to the association under the loan agreements for 1982 and subsequent crops of tobacco; and

''(4) effective for the 1986 and subsequent crops of quota tobacco, if the Secretary determines that the amount in the No Net Cost Tobacco Fund or the net gains referred to in paragraph (3) exceeds the total amount necessary for the purposes specified in this section, suspend the transfer of amounts from the Trust Fund to the No Net Cost Tobacco Fund under this section.

''(e) NONCOMPLIANCE.—

''(1) IN GENERAL.—If any association that has entered into a loan agreement with the Corporation with respect to any of the 1982 or subsequent crops of quota tobacco fails or refuses to comply with this section (including regulations promulgated under this section) or the terms of the agreement, the Secretary may terminate the agreement or provide that no additional loan funds may be made available under the agreement to the association.

''(2) PRICE SUPPORT.—If the Secretary takes action under paragraph (1), the Secretary shall make price support available to producers of the kind or kinds of tobacco, the price of which had been supported through loans to the association, through such other means as are authorized by this Act or the Commodity Credit Corporation Charter Act (15 U.S.C. 714 et seq.).

''(f) TERMINATION OF AGREEMENT OR ASSOCIATION.—If, under subsection (e), a loan agreement with an association is terminated, or if an association having a loan agreement with the Corporation is dissolved, merges with another association, or otherwise ceases to operate, the No Net Cost Tobacco Fund or the net gains referred to in subsection (d)(3) shall be applied or disposed of in such manner as the Secretary may approve or prescribe, except that the net gains shall, to the extent necessary, first be applied or used for the purposes specified in this section.

''(g) REGULATIONS.—The Secretary shall issue such regulations as are necessary to carry out this section.''.

(2) NO NET COST TOBACCO ACCOUNT.—Section 106B of the Agricultural Act of 1949 (7 U.S.C. 1445–2) is amended to read as follows:

''SEC. 106B. NO NET COST TOBACCO ACCOUNT.

''(a) DEFINITIONS.—In this section:

''(1) AREA.—The term 'area', when used in connection with an association, means the general geographical area in which farms of the producer-members of the association are located, as determined by the Secretary.

''(2) ASSOCIATION.—The term 'association' has the meaning given the term in section 106A(a)(1).

''(3) CORPORATION.—The term 'Corporation' has the meaning given the term in section 106A(a)(2).

''(4) NET GAINS.—The term 'net gains' has the meaning given the term in section 106A(a)(3).

''(5) NO NET COST TOBACCO ACCOUNT.—The term 'No Net Cost Tobacco Account' means an account established by and in the Corporation for an association under this section.

''(6) PURCHASER.—The term 'purchaser' has the meaning given the term in section 106A(a)(5).

''(7) TOBACCO.—The term 'tobacco' means any kind of tobacco (as defined in section 301(b) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1301(b))) for which marketing quotas are in effect or for which marketing quotas are not disapproved by producers.

''(8) TRUST FUND.—The term 'Trust Fund' has the meaning given the term in section 106A(a)(7).

''(b) PRICE SUPPORT PROGRAM; LOANS.—Notwithstanding section 106A, the Secretary shall, on the request of any association, and may, if the Secretary determines, after consultation with the association, that the accumulation of the No Net Cost Tobacco Fund for the association under section 106A is, and is likely to remain, inadequate to reimburse the Corporation for net losses that the Corporation sustains under its loan agreements with the association—

''(1) continue to make price support available to producers through the association in accordance with loan agreements entered into between the Corporation and the association; and

''(2) establish and maintain in accordance with this section a No Net Cost Tobacco Account for the association in lieu of the No Net Cost Tobacco Fund established within the association under section 106A.

''(c) ESTABLISHMENT OF ACCOUNT.—

''(1) IN GENERAL.—A No Net Cost Tobacco Account established for an association under subsection (b)(2) shall be established within the Corporation.

''(2) AMOUNT.—There shall be transferred from the Trust Fund to each No Net Cost Tobacco Account such amount as the Secretary determines will be adequate to reimburse the Corporation for any net losses that the Corporation may sustain under its loan agreements with the association, based on—

''(A) reasonable estimates of the amounts that the Corporation has lent or will lend to the association for price support for the 1982 and subsequent crops of quota tobacco, except that for the 1986 and subsequent crops of burley quota tobacco, the Secretary shall determine the amount of assessments without regard to any net losses that the Corporation may sustain under the loan agreements of the Corporation with the association for the 1983 crop of burley quota tobacco;

''(B) the cost of administering the tobacco price support program (as determined by the Secretary); and

''(C) the proceeds that will be realized from the sales of the kind of tobacco involved that are pledged to the Corporation by the association as security for loans.

''(3) ADMINISTRATION.—On the establishment of a No Net Cost Tobacco Account for an association, any amount in the No Net Cost Tobacco Fund established within the association under section 106A shall be applied or disposed of in such manner as the Secretary may approve or prescribe, except that the amount shall, to the extent necessary, first be applied or used for the purposes specified in that section.

''(d) USE.—Amounts deposited in a No Net Cost Tobacco Account established for an association shall be used by the Secretary for the purpose of ensuring, insofar as practicable, that the Corporation under its loan agreements with the association will suffer, with respect to the crop involved, no net losses (including recovery of the amount of loans extended to cover the overhead costs of the association), after any net gains are applied to net losses of the Corporation under subsection (g).

''(e) EXCESS AMOUNTS.—If the Secretary determines that the amount in the No Net Cost Tobacco Account or the net gains referred to in subsection (g) exceed the total amount necessary to carry out this section, the Secretary shall suspend the transfer of amounts from the Trust Fund to the No Net Cost Tobacco Account under this section.

''(f) TERMINATION OF AGREEMENT OR ASSOCIATION.—In the case of an association for which a No Net Cost Tobacco Account is established under subsection (b)(2), if a loan agreement between the Corporation and the association is terminated, if the association is dissolved or merges with another association that has entered into a loan agreement with the Corporation to make price support available to producers of the kind of tobacco involved, or if the No Net Cost Tobacco Account terminates by operation of law, amounts in the No Net Cost Tobacco Account and the net gains referred to in subsection (g) shall be applied to or disposed of in such manner as the Secretary may prescribe, except that the net gains shall, to the extent necessary, first be applied to or used for the purposes specified in this section.

''(g) NET GAINS.—The provisions of section 106A(d)(3) relating to net gains shall apply to any loan agreement between an association and the Corporation entered into on or after the establishment of a No Net Cost Tobacco Account for the association under subsection (b)(2).

''(h) REGULATIONS.—The Secretary shall issue such regulations as are necessary to carry out this section.''.

(3) CONFORMING AMENDMENTS.—

(A) Section 314(a) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1314(a)) is amended in the first sentence—

(i) by striking ''(1)''; and

(ii) by striking '', or (2)'' and all that follows through ''106B(d)(1) of that Act''.

(B) Section 320B(c)(1) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1314h(c)(1)) is amended by inserting after ''1445–2)'' the following: ''(as in effect before the effective date of the amendments made by section 201(c) of the Tobacco Transition Act)''.

(d) ADMINISTRATIVE COSTS.—Section 1109 of the Agriculture and Food Act of 1981 (Public Law 97–98; 7 U.S.C. 1445 note) is repealed.

(e) CROPS.—This section and the amendments made by this section shall apply with respect to the 1999 and subsequent crops of the kind of tobacco involved.

SEC. 202. TERMINATION OF TOBACCO PRICE SUPPORT PROGRAM.

(a) PARITY PRICE SUPPORT.—Section 101 of the Agricultural Act of 1949 (7 U.S.C. 1441) is amended—

(1) in the first sentence of subsection (a), by striking ''tobacco (except as otherwise provided herein), corn,'' and inserting ''corn'';

(2) by striking subsections (c), (g), (h), and (i);

(3) in subsection (d)(3)—

(A) by striking '', except tobacco,''; and

(B) by striking ''and no price support shall be made available for any crop of tobacco for which marketing quotas have been disapproved by producers;''; and

(4) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

(b) TERMINATION OF TOBACCO PRICE SUPPORT AND NO NET COST PROVISIONS.—Sections 106, 106A, and 106B of the Agricultural Act of 1949 (7 U.S.C. 1445, 1445–1, 1445–2) are repealed.

(c) DEFINITION OF BASIC AGRICULTURAL COMMODITY.—Section 408(c) of the Agricultural Act of 1949 (7 U.S.C. 1428(c)) is amended by striking ''tobacco,''.

(d) REVIEW OF BURLEY TOBACCO IMPORTS.—Section 3 of Public Law 98–59 (7 U.S.C. 625) is repealed.

(e) POWERS OF COMMODITY CREDIT CORPORATION.—Section 5 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714c) is amended by inserting ''(other than tobacco)'' after ''agricultural commodities'' each place it appears.

(f) TRANSITION PROVISIONS.—

(1) LIABILITY.—The amendments made by this section shall not affect the liability of any person under any provision of law as in effect before the effective date of this section.

(2) TOBACCO STOCKS AND LOANS.—The Secretary shall issue regulations that require—

(A) the orderly disposition of tobacco stocks; and

(B) the repayment of all tobacco price support loans by not later than 1 year after the effective date of this section.

(g) CROPS.—This section and the amendments made by this section shall apply with respect to the 2002 and subsequent crops of the kind of tobacco involved.

Subtitle B—Tobacco Production Adjustment Programs

SEC. 211. TERMINATION OF TOBACCO PRODUCTION ADJUSTMENT PROGRAMS.

(a) DECLARATION OF POLICY.—Section 2 of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1282) is amended by striking ''tobacco,''.

(b) DEFINITIONS.—Section 301(b) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1301(b)) is amended—

(1) in paragraph (3)—

(A) by striking subparagraph (C); and

(B) by redesignating subparagraph (D) as subparagraph (C);

(2) in paragraph (6)(A), by striking ''tobacco,'';

(3) in paragraph (7), by striking the following:

''tobacco (flue-cured), July 1—June 30;

''tobacco (other than flue-cured), October 1–September 30;'';

(4) in paragraph (10)—

(A) by striking subparagraph (B); and

(B) by redesignating subparagraph (C) as subparagraph (B);

(5) in paragraph (11)(B), by striking ''and tobacco'';

(6) in paragraph (12), by striking ''tobacco,'';

(7) in paragraph (14)—

(A) in subparagraph (A), by striking ''(A)''; and

(B) by striking subparagraphs (B), (C), and (D);

(8) by striking paragraph (15);

(9) in paragraph (16)—

(A) by striking subparagraph (B); and

(B) by redesignating subparagraph (C) as subparagraph (B); and

(10) by redesignating paragraphs (16) and (17) as paragraphs (15) and (16), respectively.

(c) PARITY PAYMENTS.—Section 303 of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1303) is amended in the first sentence by striking ''rice, or tobacco,'' and inserting ''or rice,''.

(d) MARKETING QUOTAS.—Part I of subtitle B of title III of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1311 et seq.) is repealed.

(e) ADMINISTRATIVE PROVISIONS.—Section 361 of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1361) is amended by striking ''tobacco,''.

(f) ADJUSTMENT OF QUOTAS.—Section 371 of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1371) is amended—

(1) in the first sentence of subsection (a), by striking ''peanuts, or tobacco'' and inserting ''or peanuts''; and

(2) in the first sentence of subsection (b), by striking ''peanuts or tobacco'' and inserting ''or peanuts''.

(g) REPORTS AND RECORDS.—Section 373 of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1373) is amended—

(1) by striking ''peanuts, or tobacco'' each place it appears in subsections (a) and (b) and inserting ''or peanuts''; and

(2) in subsection (a)—

(A) in the first sentence, by striking ''all persons engaged in the business of redrying, prizing, or stemming tobacco for producers,''; and

(B) in the last sentence, by striking ''$500;'' and all that follows through the period at the end of the sentence and inserting ''$500.''.

(h) REGULATIONS.—Section 375(a) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1375(a)) is amended by striking ''peanuts, or tobacco'' and inserting ''or peanuts''.

(i) EMINENT DOMAIN.—Section 378 of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1378) is amended—

(1) in the first sentence of subsection (c), by striking ''cotton, tobacco, and peanuts'' and inserting ''cotton and peanuts''; and

(2) by striking subsections (d), (e), and (f).

(j) BURLEY TOBACCO FARM RECONSTITUTION.—Section 379 of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1379) is amended—

(1) in subsection (a)—

(A) by striking ''(a)''; and

(B) in paragraph (6), by striking '', but this clause (6) shall not be applicable in the case of burley tobacco''; and

(2) by striking subsections (b) and (c).

(k) ACREAGE-POUNDAGE QUOTAS.—Section 4 of the Act entitled ''An Act to amend the Agricultural Adjustment Act of 1938, as amended, to provide for acreage-poundage marketing quotas for tobacco, to amend the tobacco price support provisions of the Agricultural Act of 1949, as amended, and for other purposes'', approved April 16, 1965 (Public Law 89–12; 7 U.S.C. 1314c note), is repealed.

(l) BURLEY TOBACCO ACREAGE ALLOTMENTS.—The Act entitled ''An Act relating to burley tobacco farm acreage allotments under the Agricultural Adjustment Act of 1938, as amended'', approved July 12, 1952 (7 U.S.C. 1315), is repealed.

(m) TRANSFER OF ALLOTMENTS.—Section 703 of the Food and Agriculture Act of 1965 (7 U.S.C. 1316) is repealed.

(n) ADVANCE RECOURSE LOANS.—Section 13(a)(2)(B) of the Food Security Improvements Act of 1986 (7 U.S.C. 1433c–1(a)(2)(B)) is amended by striking ''tobacco and''.

(o) TOBACCO FIELD MEASUREMENT.—Section 1112 of the Omnibus Budget Reconciliation Act of 1987 (Public Law 100–203) is amended by striking subsection (c).

(p) LIABILITY.—The amendments made by this section shall not affect the liability of any person under any provision of law as in effect before the effective date under subsection (q).

(q) CROPS.—This section and the amendments made by this section shall apply with respect to the 1999 and subsequent crops of the kind of tobacco involved.

TITLE III—FUNDING

SEC. 301. TRUST FUND.

(a) REQUEST.—The Secretary of Agriculture shall request the Secretary of the Treasury to transfer, from the Tobacco Transition Account in the Trust Fund, amounts authorized under sections 104, 105, and 111, and the amendments made by section 201, to the account of the Commodity Credit Corporation.

(b) TRANSFER.—On receipt of such a request, the Secretary of the Treasury shall transfer amounts requested under subsection (a).

(c) USE.—The Secretary of Agriculture shall use the amounts transferred under subsection (b) to carry out the activities described in subsection (a).

(d) TERMINATION OF AUTHORITY.—The authority provided under this section shall expire on September 30, 2001.

SEC. 302. COMMODITY CREDIT CORPORATION.

The Secretary may use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out this Act and the amendments made by this Act.

By Mr. LAUTENBERG (for himself and Mr. BAUCUS):

S. 1317. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to expand the opportunity for health protection for citizens affected by hazardous waste sites; to the Committee on Environment and Public Works.

THE ENVIRONMENTAL HEALTH PROTECTION ACT

Mr. LAUTENBERG. Mr. President, all across America toxic time bombs lurk beneath the soil. Many of our families find their futures poisoned by a long-gone industrial past.

And sadly we've made our families—especially our children—the canaries in the coal mine. Only after they've been stricken, do we move on the danger.

We need to change our emphasis.

Mr. President, we should help local communities meet the health treats bubbling up from toxic waste sites. That is why I am today introducing the Environmental Health Protection Act—legislation to require the Agency for Toxic Substances and Disease Registry [ASTDR] to actively work with local community health and safety leaders both to design and train local health authorities to better manage a potential toxic hazard and to design site-specific remedies and monitoring systems.

Today, the ranking member of the Environmental and Public works Committee, Senator BAUCUS, is joining with me in introducing legislation to significantly boost the role that public health considerations play in Superfund decisions.

Mr. President, the potential health hazard posed from toxic waste dumps is great and growing.

According to a recent study of 136 Superfund toxic waste sites by the Agency for Toxic Substance and Disease Registry [ASTDR], more than half the sites they examined represent serious, ongoing public health hazards. ATSDR placed an additional 23 percent of toxic waste sites in an indeterminate hazard category because they potentially pose a long-term risk to human life.

Communities and community leaders must have the tools and resources to meet these potential disaster—just like we prepare communities to meet potential natural disasters.

ATSDR recently determined that 11 million Americans reside within 1 mile of the 1,309 Superfund National Priority List [NPL] sites. These families are at particular risk from the hazardous substances wafting through the air they breath or oozing into water they drink.

The problems that communities face from toxic waste dumps are immense and complicated by the need for specialized knowledge, training and skills to address toxic waste problems. Dr. Barry Johnson of the ATSDR recently testified before the Superfund Subcommittee of the Senate Environment and Public Works Committee about the kinds of health problems communities face. He told the committee that:

ATSDR health investigations at hazardous waste sites across the country found that nearby residents were exposed to increased health risk from a wide variety of maladies including: birth defects; nerve damage; skin disorders; leukemia; cardiovascular abnormalities; respiratory problems, and immune disorders.

Two sets of studies in my home State of New Jersey—one carried out by the Environmental Protection Agency [EPA] and the other by the New Jersey School of Medicine and Dentistry—showed an increase in cancer cases in counties surrounding hazardous waste sites. The New Jersey Medicine study by Dr. G. Najem found that age-adjusted gastrointestinal cancer morality rates were higher in 20 of New Jersey's 21 counties than national rates.

An ATSDR 1995 study of residents of Forest City and Glover, MO, who live near Superfund sites, showed an increase in reports of breathing disorders and decreased pulmonary function; especially among nonsmoking women.

Compilation of studies in California report the occurrence of an increased risk of birth defects in the children of women living near the State's 700 hazardous waste sites.

The results of another recent study funded by ATSDR and performed by the New Jersey Department of Health, are particularly disturbing and, understandably, have frightened many of my constituents in the town of Maywood, NJ. The study reviewed data gathered on 15,000 residents living near Superfund sites and found the incidence of brain cancers running at 50 percent above the expected level. In addition, the study found cancer clusters—areas with unusually high rates of certain forms of cancer—existing in Ocean County and distressing 50 percent increase in various kinds of childhood cancers.

In short, ATSDR research demonstrates how important it is to the health of Americans living near Superfund sites to clean up those sites as quickly as possible. And this is no small task.

Communities struggling to come to grips with the potential health hazards of a toxic waste dump are too often left to fend for themselves. No one agency is specifically charged with coordinating the various health-relief efforts these families need.

Currently, EPA uses a risk assessment process to write plans for dealing with the problems posed by toxic sites. As a result, the selection of containment as a remedy rather than removing the toxins from a site has grown to 30 percent of the EPA remedy decisions. If containment is to work for the communities surrounding Superfund and other toxic sites, we must increase health monitoring and provide other health care assistance, advice, and tools to those living with near these sites.

Congress established ATSDR specifically to address possible health problems arising from Superfund sites. Now is the time to use what we have learned and to actively involve local communities in their efforts to meet the health challenges posed by the hazardous waste sites. This bill requires ATSDR to do just that.

First, my bill both allows ATSDR to study any location where there is concern that hazardous wastes threatens public health and requires that ATSDR work closely with State and local health officials in making its assessment. Presently, Mr. President, State and local health and environmental officials are only required to be involved at sites listed on the Environmental Protection Agency's national list of priority sites—the National Priority List [NPL]. By mandating that ATSDR work with the State and local officials from the get-go at any potential site, we will be insuring the understanding, cooperation, and consultation necessary to effective environmental cleanup exists in a community.

Second, critics frequently complain that ATSDR's health assessments are completed too late in the process to be of any real use to the local officials struggling to manage the health impact of a hazardous waste site on a community. This bill changes the way EPA and the health authorities do their job. It requires EPA to notify local and State health officials early in the process that an investigation is commencing and to better coordinate its activities with local authorities so that EPA's proposed remedy better reflects local conditions and needs.

Third, this bill requires EPA to directly involve State and local health officials in decisions concerning analysis and sampling methods used at hazardous sites. State and local health officials are often the frontline experts. They have important first-hand information on how a toxic waste dump affects their community. Working with EPA, they can better determine and analyze possible health problems patterns in a community and whether that arises from a toxic waste dump. With this information, EPA can zero-in on those areas for additional sampling and further studies and design a site appropriate remedy that meets the special circumstances of the affected community.

Fourth—and this is critically important—better training and up-to-date information are essential to helping communities deal with hazardous waste sites. This legislation will ensure that State and local health officials receive the training and technical information they need to diagnose and treat environmental health problems, and it will also empower local authorities to help EPA make appropriate, site-specific decisions about clean up remedies.

Fifth, this bill requires that when EPA selects to leave toxic wastes in place, then EPA must work with local health officials to design a site specific health monitoring program. This will be paid for by the parties responsible for the hazard, and those requirements will become an enforceable part of any clean up agreement. It will no longer be adequate for a polluter to simply build a fence around a toxic waste site and hope the toxins stay in and community residents stay out. EPA's remedy must now ensure that the health of the residents in the line of fire is protected first, foremost, and always. And, when EPA revisits a site to evaluate whether the clean up is working, EPA will now specifically have to consider the recommendations of local health officials on the effectiveness and appropriateness of the solution.

Since the Superfund amendments of 1986, the communities near hazardous waste sites have appealed to us to strengthen the public health requirements of the law. A major focus of our efforts in cleaning up toxic waste must be the health of our people. This bill will put community health and safety back at the top of the Superfund agenda. It will increase the information available to the public and cooperation between public health officials at all levels of government. It will result in health considerations being made a central part of any discussions of clean up strategies and effective long-term monitoring of toxic waste sites. This bill will ensure that the remedy chosen by EPA better protects the millions of Americans who live around our nation's hazardous waste sites.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1317

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Environmental Health Protection Act of 1997''.

SEC. 2. DEFINITIONS.

(a) GENERAL DEFINITIONS.—Section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601) is amended by adding at the end the following:

''(39) ATSDR.—The term 'ATSDR' means the Agency for Toxic Substances and Disease Registry.''.

(b) DEFINITIONS IN THE PUBLIC PARTICIPATION SECTION.—

(1) IN GENERAL.—Section 117 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9617) is amended—

(A) by redesignating subsections (a) through (e) as subsections (b) through (f), respectively; and

(B) by inserting after the section heading the following:

''(a) DEFINITIONS.—In this section:

''(1) AFFECTED COMMUNITY.—The term 'affected community' means a group of 2 or more individuals who may be affected by the release or threatened release of a hazardous substance, pollutant, or contaminant from a covered facility.

''(2) COVERED FACILITY.—The term 'covered facility' means a facility—

''(A) that has been listed or proposed for listing on the National Priorities List;

''(B) at which the Administrator is undertaking a removal action that it is anticipated will exceed—

''(i) in duration, 1 year; or

''(ii) in cost, the funding limit under section 104; or

''(C) with respect to which the Administrator of ATSDR has approved a petition requesting a health assessment or other related health activity under section 104(i)(6)(B).

''(3) WASTE SITE INFORMATION OFFICE.—The term 'waste site information office' means a waste site information office established under subsection (j).''.

(2) CONFORMING AMENDMENTS.—

(A) Title I of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended—

(i) in section 111(a)(5) (42 U.S.C. 9611), by striking ''117(e)'' and inserting ''117(f)'';

(ii) in section 113(k)(2)(B) (42 U.S.C. 9613)—

(I) in clause (iii), by striking ''117(a)(2)'' and inserting ''117(b)(2)''; and

(II) in the third sentence, by striking ''117(d)'' and inserting ''117(e)''.

(B) Section 2705(e) of title 10, United States Code, is amended—

(i) by striking ''117(e)'' and inserting ''117(f)''; and

(ii) by striking ''(42 U.S.C. 9617(e))'' and inserting ''(42 U.S.C. 9617(f))''.

SEC. 3. AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY.

(a) NOTICE TO HEALTH AUTHORITIES.—Section 104(b) of Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(b)) is amended by adding at the end the following:

''(3) NOTICE TO HEALTH AUTHORITIES.—The President shall notify State, local, and tribal public health authorities whenever a release or a hazardous substance, pollutant, or contaminant has occurred, is occurring, or is about to occur, or there is a threat of such a release, and the release or threatened release is under investigation pursuant to this section.''.

(b) AMENDMENTS RELATING TO ATSDR.—Section 104(i) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(i)) is amended—

(1) in paragraph (1)—

(A) in the second sentence, by striking ''and appropriate State and local health officials'' and inserting ''the Indian Health Service, and appropriate State, tribal, and local health officials'';

(B) in subparagraphs (A) and (C), by inserting ''and Indian tribes'' after ''States''; and

(C) by striking the last sentence and inserting the following flush sentence: ''In a public health emergency, exposed persons shall be eligible for referral to licensed or accredited health care providers.'';

(2) in paragraph (3)—

(A) in the matter following subparagraph (C)—

(i) by striking the sentence beginning ''The profiles required'';

(ii) in the sentence beginning ''The profiles prepared'', by inserting before the period at the end the following: ''and of substances not on the list, but that have been detected at covered facilities (within the meaning of section 117) and are determined by the Administrator of ATSDR to pose a significant potential threat to human health due to their known or suspected toxicity to humans and the potential for human exposure to such substances at such facilities.'';

(iii) in the sentence beginning ''Profiles required under'', by striking '', but no less often'' and all that follows through the period at the end and inserting ''if the Administrator of ATSDR determines that there is significant new information.''; and

(iv) in the last sentence, by inserting ''and Indian tribes'' after ''States''; and

(B) by inserting after subparagraph (C) the following:

''(D) Evaluations of the cumulative effects (including synergistic effects) of other chemicals.'';

(3) in paragraph (4)—

(A) in the first sentence, by striking ''State officials'' and inserting ''State, tribal,''; and

(B) in the second sentence, by inserting ''or Indian tribes'' after ''States'';

(4) in paragraph (5)(A)—

(A) in the first sentence, by inserting ''and the Indian Health Service'' after ''Public Health Service'';

(B) in the second sentence, by inserting after ''program of research'' the following: ''conducted directly or by such means as cooperative agreements and grants with appropriate public and nonprofit institutions. The program shall be''; and

(C) in the last sentence—

(i) in clause (iii), by striking ''and'' at the end;

(ii) by redesignating clause (iv) as clause (vi); and

(iii) by inserting after clause (iii) the following:

''(iv) laboratory and other studies that can lead to the development of innovative techniques for predicting organ-specific, tissue-specific, and system-specific acute and chronic toxicity associated with a covered facility; and

''(v) laboratory and other studies to determine the health effects of substances commonly found in combination with other substances, and the short, intermediate, and long-term cumulative health effects (including from synergistic impacts).'';

(5) in paragraph (6)—

(A) by striking ''(6)(A) The Administrator'' and all that follows through the end of subparagraph (A) and inserting the following:

''(6) HEALTH ASSESSMENTS AND RELATED HEALTH ACTIVITIES.—

''(A) REQUIREMENTS.—The Administrator of ATSDR shall perform a health assessment or related health activity (including, as appropriate, biomedical testing, clinical evaluations, medical monitoring, and referral to accredited health care providers or any other health activity authorized in this subsection) for each covered facility (as defined in section 117(a)).'';

(B) in subparagraph (B)—

(i) in the first sentence, by inserting ''or other health related activity'' after ''health assessments'';

(ii) in the second sentence, by inserting ''or other health related activity'' after ''health assessment''; and

(iii) in the third sentence—

(I) by inserting ''or other health related activity'' after ''health assessment'' the first place it appears; and

(II) by striking ''a health assessment'' the second place it appears and inserting ''the requested activity'';

(C) in subparagraph (C)—

(i) in the first sentence—

(I) by inserting ''or other health related activity'' after ''health assessments''; and

(II) by striking ''existing health assessment data'' and inserting ''data from existing health assessments or related activity''; and

(ii) in the second sentence, by inserting ''or other health related activity'' after ''health assessments'';

(D) in subparagraph (D), by adding at the end the following: ''The President and the Administrator of ATSDR shall obtain and exchange facility characterization data and other information necessary to make a public health determination sufficiently before the completion of a remedial investigation and feasibility study to allow full consideration of the public health implications of a release, but in no circumstance shall the President delay the progress of a remedial action pending completion of a health assessment or other health related activity. When appropriate, the Administrator of ATSDR shall, in cooperation with State and local health officials, provide to the President recommendations for sampling environmental media. To the extent practicable, the President shall incorporate the recommendations into facility characterization activities.'';

(E) in the first sentence of subparagraph (E), by striking ''or political subdivision carrying out a health assessment'' and inserting ''Indian tribe, or political subdivision of a State carrying out a health assessment or related health activity'';

(F) in subparagraph (F)—

(i) by striking ''(F) For the purpose of health assessments'' and inserting the following:

''(F) DEFINITION OF HEALTH ASSESSMENTS.—

''(i) IN GENERAL.—For the purpose of health assessments or related activity'';

(ii) in the first sentence—

(I) by inserting ''(including children and other highly susceptible or highly exposed populations)'' after ''human health'';

(II) by striking ''existence of potential'' and inserting ''past, present, or future potential'';

(III) by striking ''and the comparison'' and inserting ''the comparison''; and

(IV) by striking the period at the end and inserting ''and the cumulative effects (including synergistic effects) of chemicals.''; and

(iii) by striking the second sentence and inserting the following:

''(ii) PROVISION OF DATA.—The Administrator shall consider information provided by State, Indian tribe, and local health officials and the affected community (including a community advisory group, if 1 has been established under subsection (g)) as is necessary to perform a health assessment or other related health activity.'';

(G) in the last sentence of subparagraph (G)—

(i) by striking ''In using'' and all that follows through ''to be taken'' and inserting ''In performing health assessments''; and

(ii) by inserting before the period at the end the following: ''and shall give special consideration, where appropriate, to any practices of the affected community that may result in increased exposure to hazardous substances, pollutants, or contaminants, such as subsistence hunting, fishing, and gathering''; and

(H) in subparagraph (H)—

(i) in the first sentence—

(I) by inserting ''or other health related activity'' after ''health assessment''; and

(II) by striking ''each affected State'' and inserting ''appropriate State, Indian tribe, and local health officials and community advisory groups and waste site information offices; and

(ii) in the second sentence, by inserting ''or other health related activity'' after ''health assessment'';

(7) in paragraph (7)—

(A) by striking ''pilot'' each place it appears;

(B) by inserting ''or other related health activity'' after ''health assessment'' each place it appears; and

(C) in subparagraph (A), by inserting ''covered facilities'' after the ''individuals'';

(8) in paragraph (10)—

(A) by striking ''two years'' and all that follows through ''thereafter'' and inserting ''Every 2 years'';

(B) by striking ''and'' at the end of subparagraph (D);

(C) in subparagraph (E), by striking the period at the end and inserting ''; and''; and

(D) by adding at the end the following:

''(F) the health impacts on Indian tribes of hazardous substances, pollutants, and contaminants from covered facilities.'';

(9) in paragraph (14)—

(A) by striking ''distribute to the States, and upon request to medical colleges, physicians, and'' and inserting the following: ''distribute—

''(A) to the States and local health officials, and upon request to medical colleges, medical centers, physicians, nursing institutions, nurses, and'';

(B) by striking ''methods of diagnosis and treatment'' and inserting ''methods of prevention, diagnosis, and treatment'';

(C) by striking the period at the end and inserting ''; and''; and

(D) by adding at the end the following:

''(B) to the community potentially affected by a facility appropriate educational materials, facility-specific information, and other information on human health effects of hazardous substances using available community information networks, including, if appropriate, a community advisory group or a waste site information office established under section 117.'';

(10) in the last sentence of paragraph (15), by striking ''through cooperative'' and all that follows through ''which the Administrator'' and inserting the following: ''through grants to, or cooperative agreements or contracts with, States (or political subdivisions of States) or other appropriate public authorities or private nonprofit entities, public or private institutions, colleges or universities (including historically black colleges and universities), or professional associations that the Administrator''; and

(11) by adding at the end the following:

''(19) COMMUNITY HEALTH PROGRAMS.—When appropriate, using existing health clinics and health care delivery systems, the Administrator of ATSDR shall facilitate the provision of environmental health services (including testing, diagnosis, counseling, and community health education) in communities that—

''(A) may have been, or may be, subject to exposure to a hazardous substance, pollutant, or contaminant from a covered facility; and

''(B) have a medically underserved population (as defined in section 330(b) of the Public Health Service Act (42 U.S.C. 254b(b)) or lack sufficient expertise in environmental health.

''(20) PUBLIC HEALTH EDUCATION.—

''(A) IN GENERAL.—If the Administrator of ATSDR considers it appropriate, the Administrator of ATSDR, in cooperation with State, Indian tribe, and other interested Federal and local officials, shall conduct health education activities to make a community near a covered facility aware of the steps the community may take to mitigate or prevent

exposure to hazardous substances and the health effects of hazardous substances.

''(B) ENVIRONMENTAL MEDICAL EXPERTS.—The health education activities may include providing access and referrals to environmental health experts.

''(C) DISSEMINATION.—In disseminating public health information under this paragraph relating to a covered facility, the Administrator of ATSDR shall use community health centers, area health education centers, or other community information networks, including a community advisory group, a technical assistance grant recipient, or a waste site information office established under section 117.''.

(b) PUBLIC HEALTH RECOMMENDATIONS IN REMEDIAL ACTIONS.—Section 121(c) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9621(c)) is amended in the first sentence by inserting after ''such remedial action'' the second place it appears the following: '', including public health recommendations and decisions resulting from activities under section 104(i),''.

(c) STUDY OF MULTIPLE SOURCES OF RISK.—

(1) IN GENERAL.—The Administrator of the Agency for Toxic Substances and Disease Registry (referred to in this subsection as ''ATSDR''), in consultation with the Administrator of the Environmental Protection Agency, shall conduct a study relating to the identification, assessment, and management of, and response to, multiple sources of exposure affecting or potentially affecting a community.

(2) COMPONENTS.—In conducting the study, the Administrator of ATSDR may—

(A) examine various approaches to protect communities affected or potentially affected by multiple sources of exposure to hazardous substances; and

(B) include recommendations that the President may consider in developing an implementation plan to address the effects or potential effects of exposure at covered facilities (as defined in Section 117(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9617(a)).

By Mr. ABRAHAM (for himself and Ms. LANDRIEU):

S. 1318. A bill to establish an adoption awareness program, and for other purposes; to the Committee on Labor and Human Resources.

THE ADOPTION PROMOTION AWARENESS ACT

Mr. ABRAHAM. Mr. President, I rise to urge my colleagues' support for the Adoption Promotion Awareness Act. This legislation will provide the means necessary to keep women fully informed concerning all their options regarding any unexpected pregnancy.

Mr. President, each year more than a million couples eagerly await the opportunity to adopt a child. Unfortunately, only 50,000 domestic, nonrelated adoptions occur each year. That means that only 5 percent of American couples willing and able to open their hearts and homes to a child who needs them are able to do so.

As a result, Mr. President, would-be parents often must wait several years for the opportunity to adopt a healthy child. For the anxious parents, the waiting seems to last an eternity. And their waiting is made even more tragic by the fact that only 4 percent of women in America choose adoption as an option for an unplanned pregnancy. We have hundreds of thousands of empty homes, waiting to welcome children who are never born.

There are many reasons for the sharp disparity between the relatively limited number of children available for adoption and the growing number of families anxiously waiting to adopt a child. Crucial is the fact that many women are not provided adequate information about adoption when they are making the crucial decision of how to deal with an unexpected pregnancy. Too few women are fully informed concerning the adoption option. If we could get the news out to these women that couples are waiting with open arms to welcome their children into a loving home, more would chose to have their babies and release them for adoption.

This is not mere speculation, Mr. President, it is supported by the facts. Michigan's private adoption agencies, for instance, report that 21 percent of the women seen for services decide to release their children for adoption. Studies have shown that women are more likely to choose adoption when clear, positive information is provided concerning that option.

We know that providing information to women on adoption as a choice can increase the number of adoptions that occur each year and decrease the number of abortions. I believe that this is an important goal. For this reason, I have introduced, along with my colleague, Senator LANDRIEU, legislation that authorizes an Adoption Awareness Promotion Program. This program will provide $25 million in grants to be used for adoption promotion activity. It will also require recipients to contribute $25 million of in-kind donations. The total amount going to adoption promotion will, therefore, be $50 million. This amount will allow for a thorough information campaign to take place—reaching women all over the country.

The legislation provides for grants to be used for public service announcements on prints, radio, TV, and billboards. Grants will also be provided for the development and distribution of brochures regarding adoption through federally funded title X clinics. These provisions will enable women to have accurate and clear information on adoption as an alternative when at a crucial point in their pregnancies. Further, the campaign will help to raise the level of awareness around the country about the importance of adoption.

Mr. President, I believe that each and every one of us, whether pro-life or prochoice, should be working to reduce the number of abortions that occur each year. Indeed, I have often heard on this floor that abortion should be ''safe, legal and rare.'' I take my colleagues at their word and urge them to join me in this voluntary information program; a program designed to inform women of all their choices regarding any unexpected pregnancy.

Too many women in America feel abandoned and helpless in the face of an unexpected pregnancy. The father of the child may have left, the woman's family and friends even may desert her. Even those who stay with her may simply pressure her to end an embarrassing and troublesome situation.

Too often, then, our women, in a vulnerable state, are left without full, unbiased information and guidance concerning their options. I think it is crucial in these circumstances that we keep these women fully informed of all their options—including the option of releasing their child into the arms of a welcoming couple, anxious to become loving parents.

If we truly are committed to making every child a wanted child, Mr. President, I believe it is our duty to see to it that pregnant women know that there are couples out their who would love to care for their children. It is time for us, as a nation, to make clear our commitment to truly full information for expectant mothers, information that includes the availability of safe, loving homes for their children.

By Mr. ROCKEFELLER (for himself, Mr. DASCHLE, Mr. AKAKA, Mr. WELLSTONE, and Mrs. MURRAY):

S. 1320. A bill to provide a scientific basis for the Secretary of Veterans Affairs to assess the nature of the association between illnesses and exposure to toxic agents and environmental or other wartime hazards as a result of service in the Persian Gulf during the Persian Gulf War for purposes of determining a service connection relating to such illnesses, and for other purposes; to the Committee on Veterans' Affairs.

THE PERSIAN GULF VETERANS ACT OF 1997

Mr. ROCKEFELLER. Mr. President, I am proud to introduce today the Persian Gulf War Veterans Act of 1997, legislation which establishes a clear framework for the compensation and health care needs of Persian Gulf war veterans. This bill implements the recommendation of the Presidential Advisory Committee on Gulf War Veterans' Illnesses to create a permanent statutory authority for the compensation of ill gulf war veterans. It builds upon the system of scientific review and determinations for presumptive compensation that currently exists for veterans exposed to agent orange during the Vietnam war.

As ranking member of the Committee on Veterans' Affairs, I have witnessed firsthand the struggles of many of our Nation's gulf war veterans. The Persian Gulf war will undoubtedly go down in history as one of our country's most decisive military victories. Despite our fears of potentially huge troop injuries and losses, the careful planning and strategy of our military leaders paid off. The ground war lasted only four days, and the casualties we experienced, while deeply regrettable, were fortunately few. But as with any war, the human costs of the gulf war have been high, and the casualties have continued long after the battle was over.

Many of the men and women who served in the gulf have suffered chronic, debilitating health problems. Unnecessarily compounding their pain has been their difficulty in getting the government they served to acknowledge their problems and provide the appropriate care and benefits they deserve. This legislation will go a long way to address some of these concerns. We can't wait the 20 years we waited after the Vietnam war to assess the effects of agent orange, or the 40 years we waited after World War II to concede the problems of radiation-exposed veterans. We must learn from the lessons of the past and act now. We have already waited too long.

For the past 6 years, we have looked to the leaders of the Department of Defense and the Department of Veterans Affairs for a resolution of these difficult issues. While they have made some progress, I think we can all agree there is much more to be done. This legislation will require VA to enlist the National Academy of Sciences—an independent, nonprofit, scientific organization—to review and evaluate the research regarding links between illnesses and exposure to toxic agents and wartime hazards. Based on the findings of the NAS, VA will then determine whether a diagnosed or undiagnosed illness found to be associated with gulf war service warrants a presumption of service connection for compensation purposes. This will provide an ongoing scientific basis and nonpolitical framework for the VA to use in compensating Persian Gulf war veterans.

SUMMARY OF PROVISIONS

Mr. President, I will now highlight some of the provisions contained in this legislation.

First, this legislation calls for the Secretary of the Department of Veterans Affairs to contract with the National Academy of Sciences [NAS] to provide a scientific basis for determining the association between illnesses and exposures to environmental or wartime hazards as a result of service in the Persian Gulf. The NAS will review the scientific literature to assess health exposures during the gulf war and health problems among veterans, and report to Congress and the VA.

Second, this legislation authorizes VA to presume that diagnosed or undiagnosed illnesses that have a positive association with exposures to environmental or wartime hazards were incurred in or aggravated by service even if there was no evidence of the illness during service. Having that authority, VA will determine whether there is a sound medical and scientific basis to warrant a presumption of service connection for compensation for diagnosed or undiagnosed illnesses, based on NAS' report. Within 60 days of that determination, VA will publish proposed regulations to presumptively service connect these illnesses.

Third, this bill requires NAS to provide recommendations for additional research that should be conducted to better understand the possible adverse health effects of exposures to toxic agents or environmental or wartime hazards associated with gulf war service. The VA, in conjunction with the Department of Defense (DOD) and the Department of Health and Human Services [HHS], will review and act upon the recommendations for additional research and future studies.

Fourth, this legislation tasks NAS with assessing potential treatment models for the chronic undiagnosed illnesses that have affected so many of our gulf war veterans. They will make recommendations for additional studies to determine the most appropriate and scientifically sound treatments. VA and DOD will review this information and submit a report to Congress describing whether they will implement these treatment models and their rationale for their decisions.

Fifth, this legislation calls for the establishment of a system to monitor the health status of Persian Gulf war veterans. VA, in collaboration with DOD, will develop a plan to establish and operate a computerized information data set to collect information on the illnesses and health problems of gulf war veterans. This data base will also track the treatment provided to veterans with chronic undiagnosed illnesses to determine whether these veterans are getting sicker or better over time. VA and DOD will submit this plan for review and comment by NAS. After this review, VA and DOD will implement the agreed-upon plan and provide annual reports to Congress on the health status of Persian Gulf war veterans.

Finally, this legislation requires that VA, in consultation with DOD and HHS, carry out an ongoing outreach program to provide information to gulf war veterans. This information will include health risks, if any, from exposures during service in the gulf war theater of operations, and any services or benefits that are available.

DISCUSSION

After the war, DOD and VA acknowledged that they couldn't define what health problems were affecting Persian Gulf war veterans. Nonetheless, we did not want to make these veterans wait for the science to catch up before we could provide health care and compensation for their service-related conditions.

That is why, back in 1993, we provided Persian Gulf war veterans with priority health care at VA facilities for conditions related to their exposure to environmental hazards. Congress went on to pass legislation in 1994 that confirmed that VA could provide compensation to Persian Gulf war veterans who suffered from chronic undiagnosed illnesses. Prior to this authority, VA asserted that it could not compensate veterans whose health problems could not be diagnosed.

However, some gulf war veterans are falling between the cracks and still cannot receive compensation under current law. These veterans have been diagnosed with a condition several years after leaving service, such as chronic fatigue syndrome or migraines. Therefore, they are not eligible for compensation under VA's undiagnosed illness authority, nor are they eligible under the guidelines for diagnosed illnesses because the diagnosis was not made within the proscribed period following service. At the same time, these illnesses are due to unknown causes which could, someday, be tied to their gulf service. We cannot require veterans to wait for that day to arrive. This legislation will address this unfortunate catch-22 unwittingly created through previous legislation.

We will continue to retrace the steps and decisions that were made in deploying almost 697,000 men and women to the Persian Gulf in 1990. Hopefully, we will learn from the lessons of this war to prevent some of these same health problems in future deployments where our troops will again face the threat of an everchanging and increasingly toxic combat environment. But we also must address what our ill gulf war veterans need now. We need to provide a permanent statutory authority to compensate them. We need to be able to answer the questions of How many veterans are ill? and Are our ill veterans getting sicker over time?

Mr. President, this legislation targets these important issues. As Veterans' Day approaches, we prepare to honor those who offered to make the ultimate sacrifice for our country. Many of us will be called upon to make speeches in support of these brave men and women. I ask my colleagues in the Senate to join me now in supporting this legislation. Let us honor our gulf war veterans through our deeds—and not just our words—this Veterans' Day.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1320

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Persian Gulf War Veterans Act of 1997''.

SEC. 2. PRESUMPTION OF SERVICE CONNECTION FOR ILLNESSES ASSOCIATED WITH SERVICE IN THE PERSIAN GULF DURING THE PERSIAN GULF WAR.

(a) IN GENERAL.—(1) Subchapter II of chapter 11 of title 38, United States Code, is amended by adding at the end the following:

''§ 1118. Presumptions of service connection for illnesses associated with service in the Persian Gulf during the Persian Gulf War

''(a)(1) For purposes of section 1110 of this title, and subject to section 1113 of this title, each illness (if any) described in paragraph (2) shall be considered to have been incurred in or aggravated by service referred to in that paragraph, notwithstanding that there is no record of evidence of such illness during the period of such service.

''(2) An illness referred to in paragraph (1) is any diagnosed or undiagnosed illness that—

''(A) the Secretary determines in regulations prescribed under this section to warrant a presumption of service connection by reason of having a positive association with exposure to a biological, chemical, or other toxic agent or environmental or wartime hazard known or presumed to be associated with service in the Armed Forces in the Southwest Asia theater of operations during the Persian Gulf War; and

''(B) becomes manifest within the period (if any) prescribed in such regulations in a veteran who served on active duty in that theater of operations during that war and by reason of such service was exposed to such agent or hazard.

''(3) For purposes of this subsection, a veteran who served on active duty in the Southwest Asia theater of operations during the Persian Gulf War and has an illness described in paragraph (2) shall be presumed to have been exposed by reason of such service to the agent or hazard associated with the illness in the regulations prescribed under this section unless there is conclusive evidence to establish that the veteran was not exposed to the agent or hazard by reason of such service.

''(b)(1)(A) Whenever the Secretary makes a determination described in subparagraph (B), the Secretary shall prescribe regulations providing that a presumption of service connection is warranted for the illness covered by that determination for purposes of this section.

''(B) A determination referred to in subparagraph (A) is a determination based on sound medical and scientific evidence that a positive association exists between—

''(i) the exposure of humans to a biological, chemical, or other toxic agent or environmental or wartime hazard known or presumed to be associated with service in the Southwest Asia theater of operations during the Persian Gulf War; and

''(ii) the occurrence of a diagnosed or undiagnosed illness in humans.

''(2)(A) In making determinations for purposes of paragraph (1), the Secretary shall take into account—

''(i) the reports submitted to the Secretary by the National Academy of Sciences under section 3 of the Persian Gulf War Veterans Act of 1997; and

''(ii) all other sound medical and scientific information and analyses available to the Secretary.

''(B) In evaluating any report, information, or analysis for purposes of making such determinations, the Secretary shall take into consideration whether the results are statistically significant, are capable of replication, and withstand peer review.

''(3) An association between the occurrence of an illness in humans and exposure to an agent or hazard shall be considered to be positive for purposes of this subsection if the credible evidence for the association is equal to or outweighs the credible evidence against the association.

''(c)(1)(A) Not later than 60 days after the date on which the Secretary receives a report from the National Academy of Sciences under section 3 of the Persian Gulf War Veterans Act of 1997, the Secretary shall determine whether or not a presumption of service connection is warranted for each illness (if any) covered by the report.

''(B) If the Secretary determines that a presumption of service connection is warranted, the Secretary shall, not later than 60 days after making the determination, issue proposed regulations setting forth the Secretary's determination.

''(C)(i) If the Secretary determines that a presumption of service connection is not warranted, the Secretary shall, not later than 60 days after making the determination, publish in the Federal Register a notice of the determination. The notice shall include an explanation of the scientific basis for the determination.

''(ii) If an illness already presumed to be service connected under this section is subject to a determination under clause (i), the Secretary shall, not later than 60 days after publication of the notice under that clause, issue proposed regulations removing the presumption of service connection for the illness.

''(2) Not later than 90 days after the date on which the Secretary issues any proposed regulations under paragraph (1), the Secretary shall issue final regulations. Such regulations shall be effective on the date of issuance.

''(d) Whenever the presumption of service connection for an illness under this section is removed under subsection (c)—

''(1) a veteran who was awarded compensation for the illness on the basis of the presumption before the effective date of the removal of the presumption shall continue to be entitled to receive compensation on that basis; and

''(2) a survivor of a veteran who was awarded dependency and indemnity compensation for the death of a veteran resulting from the illness on the basis of the presumption before that date shall continue to be entitled to receive dependency and indemnity compensation on that basis.

''(e) Subsections (b) through (d) shall cease to be effective 10 years after the first day of the fiscal year in which the National Academy of Sciences submits to the Secretary the first report under section 3 of the Persian Gulf War Veterans Act of 1997.''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1117 the following new item:

''1118. Presumptions of service connection for illnesses associated with service in the Persian Gulf during the Persian Gulf War.''.

(b) CONFORMING AMENDMENTS.—Section 1113 of title 38, United States Code, is amended—

(1) by striking out ''or 1117'' each place it appears and inserting in lieu thereof ''1117, or 1118''; and

(2) in subsection (a), by striking out ''or 1116'' and inserting in lieu thereof '', 1116, or 1118''.

(c) COMPENSATION FOR UNDIAGNOSED GULF WAR ILLNESSES.—Section 1117 of title 38, United States Code, is amended—

(1) by redesignating subsections (c), (d), and (e) as subsections (d), (e), and (f), respectively; and

(2) by inserting after subsection (b) the following new subsection (c):

''(c)(1) Whenever the Secretary determines as a result of a determination under section 1118(c) of this title that a presumption of service connection for an undiagnosed illness (or combination of undiagnosed illnesses) is no longer warranted under this section—

''(A) a veteran who was awarded compensation under this section for such illness (or combination of illnesses) on the basis of the presumption shall continue to be entitled to receive compensation under this section on that basis; and

''(B) a survivor of a veteran who was awarded dependency and indemnity compensation for the death of a veteran resulting from the disease on the basis of the presumption before that date shall continue to be entitled to receive dependency and indemnity compensation on that basis.

''(2) This subsection shall cease to be effective 10 years after the first day of the fiscal year in which the National Academy of Sciences submits to the Secretary the first report under section 3 of the Persian Gulf War Veterans Act of 1997.''.

SEC. 3. AGREEMENT WITH NATIONAL ACADEMY OF SCIENCES.

(a) PURPOSE.—The purpose of this section is to provide for the National Academy of Sciences, an independent nonprofit scientific organization with appropriate expertise, to review and evaluate the available scientific evidence regarding associations between illnesses and exposure to toxic agents or environmental or wartime hazards associated with Gulf War service.

(b) AGREEMENT.—The Secretary of Veterans Affairs shall seek to enter into an agreement with the National Academy of Sciences for the Academy to perform the services covered by this section and sections 4(a)(6) and 5(d). The Secretary shall seek to enter into the agreement not later than two months after the date of enactment of this Act.

(c) IDENTIFICATION OF AGENTS AND ILLNESSES.—(1) Under the agreement under subsection (b), the National Academy of Sciences shall—

(A) identify the biological, chemical, or other toxic agents or environmental or wartime hazards to which members of the Armed Forces who served in the Southwest Asia theater of operations during the Persian Gulf War may have been exposed by reason of such service; and

(B) identify the illnesses (including diagnosed illnesses and undiagnosed illnesses) that are manifest in such members.

(2) In identifying illnesses under paragraph (1)(B), the Academy shall review and summarize the relevant scientific evidence regarding illnesses among the members described in paragraph (1)(B) and among other appropriate populations of individuals, including mortality, symptoms, and adverse reproductive health outcomes among such members and individuals.

(d) DETERMINATIONS OF ASSOCIATIONS BETWEEN AGENTS AND ILLNESSES.—(1) For each agent or hazard and illness identified under subsection (c), the National Academy of Sciences shall determine, to the extent that available scientific data permit meaningful determinations—

(A) whether a statistical association exists between exposure to the agent or hazard and the illness, taking into account the strength of the scientific evidence and the appropriateness of the scientific methodology used to detect the association;

(B) the increased risk of the illness among human populations exposed to the agent or hazard; and

(C) whether a plausible biological mechanism or other evidence of a causal relationship exists between exposure to the agent or hazard and the illness.

(2) The Academy shall include in its reports under subsection (h) a full discussion of the scientific evidence and reasoning that led to its conclusions under this subsection.

(e) REVIEW OF POTENTIAL TREATMENT MODELS FOR CERTAIN ILLNESSES.—Under the agreement under subsection (b), the National Academy of Sciences shall separately review, for each chronic undiagnosed illness identified under subsection (c)(1)(B) and for any chronic illness that the Academy determines to warrant the review, the available scientific data in order to identify empirically valid models of treatment for such illnesses which employ successful treatment modalities for populations with similar symptoms.

(f) RECOMMENDATIONS FOR ADDITIONAL SCIENTIFIC STUDIES.—(1) Under the agreement under subsection (b), the National Academy of Sciences shall make any recommendations that it considers appropriate for additional scientific studies (including studies relating to treatment models) to resolve

areas of continuing scientific uncertainty relating to the health consequences of exposure to toxic agents or environmental or wartime hazards associated with Gulf War service.

(2) In making recommendations for additional studies, the Academy shall consider the available scientific data, the value and relevance of the information that could result from such studies, and the cost and feasibility of carrying out such studies.

(g) SUBSEQUENT REVIEWS.—(1) Under the agreement under subsection (b), the National Academy of Sciences shall conduct on a periodic and ongoing basis additional reviews of the evidence and data relating to its activities under this section.

(2) As part of each review under this subsection, the Academy shall—

(A) conduct as comprehensive a review as is practicable of the evidence referred to in subsection (c) and the data referred to in subsections (d), (e), and (f) that became available since the last review of such evidence and data under this section; and

(B) make its determinations on the basis of the results of such review and all other reviews conducted for the purposes of this section.

(h) REPORTS.—(1) Under the agreement under subsection (b), the National Academy of Sciences shall submit to the committees and officials referred to in paragraph (4) periodic written reports regarding the Academy's activities under the agreement.

(2) The first report under paragraph (1) shall be transmitted not later than 18 months after the date of enactment of this Act. That report shall include—

(A) the determinations and discussion referred to in subsection (d);

(B) the results of the review of models of treatment under subsection (e); and

(C) any recommendations of the Academy under subsection (f).

(3)(A) Reports shall be submitted under this subsection at least once every two years, as measured from the date of the report under paragraph (2).

(B) In any report under this subsection (other than the report under paragraph (2)), the Academy may specify an absence of meaningful developments in the scientific or medical community with respect to the activities of the Academy under this section during the 2-year period preceding the date of such report.

(4) Reports under this subsection shall be submitted to the following:

(A) The designated congressional committees.

(B) The Secretary of Veterans Affairs.

(C) The Secretary of Defense.

(i) SUNSET.—This section shall cease to be effective 10 years after the last day of the fiscal year in which the National Academy of Sciences submits the first report under subsection (h).

(j) ALTERNATIVE CONTRACT SCIENTIFIC ORGANIZATION.—(1) If the Secretary is unable within the time period set forth in subsection (b) to enter into an agreement with the National Academy of Sciences for the purposes of this section on terms acceptable to the Secretary, the Secretary shall seek to enter into an agreement for the purposes of this section with another appropriate scientific organization that is not part of the Government and operates as a not-for-profit entity and that has expertise and objectivity comparable to that of the National Academy of Sciences.

(2) If the Secretary enters into such an agreement with another organization, any reference in this section and in section 1118 of title 38, United States Code (as added by section 2), to the National Academy of Sciences shall be treated as a reference to the other organization.

SEC. 4. MONITORING OF HEALTH STATUS AND TREATMENT OF PERSIAN GULF WAR VETERANS.

(a) INFORMATION DATA BASE.—(1) The Secretary of Veterans Affairs shall, in consultation with the Secretary of Defense, develop a plan for the establishment and operation of a single computerized information data base for the collection, storage, and analysis of information on—

(A) the diagnosed and undiagnosed illnesses suffered by current and former members of the Armed Forces who served in the Southwest Asia theater of operations during the Persian Gulf War; and

(B) the treatment provided such members for—

(i) any chronic undiagnosed illnesses; and

(ii) any chronic illnesses for which the National Academy of Sciences has identified a valid model of treatment pursuant to its review under section 3(e).

(2) The plan shall provide for the commencement of the operation of the data base not later than 18 months after the date of enactment of this Act.

(3) The Secretary shall ensure in the plan that the data base provides the capability of monitoring and analyzing information on—

(A) the illnesses covered by paragraph (1)(A);

(B) the treatments covered by paragraph (1)(B); and

(C) the efficacy of such treatments.

(4) In order to meet the requirement under paragraph (3), the plan shall ensure that the data base includes the following:

(i) Information in the Persian Gulf War Veterans Health Registry established under section 702 of the Persian Gulf War Veterans' Health Status Act (title VII of Public Law 102–585; 38 U.S.C. 527 note).

(ii) Information in the Comprehensive Clinical Evaluation Program for Veterans established under section 734 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (10 U.S.C. 1074 note).

(iii) Information derived from other examinations and treatment provided veterans who served in the Southwest Asia theater of operations during the Persian Gulf War.

(iv) Information derived from other examinations and treatment provided current members of the Armed Forces (including members on active duty and members of the reserve components) who served in that theater of operations during that war.

(v) Such other information as the Secretary of Veterans Affairs and the Secretary of Defense consider appropriate.

(5) Not later than one year after the date of enactment of this Act, the Secretary shall submit the plan developed under paragraph (1) to the following:

(A) The designated congressional committees.

(B) The Secretary of Veterans Affairs.

(C) The Secretary of Defense.

(D) The National Academy of Sciences.

(6)(A) The agreement under section 3 shall require the evaluation of the plan developed under paragraph (1) by the National Academy of Sciences. The Academy shall complete the evaluation of the plan not later than 90 days after the date of its submittal to the Academy under paragraph (5).

(B) Upon completion of the evaluation, the Academy shall submit a report on the evaluation to the committees and individuals referred to in subparagraphs (A) through (D) of paragraph (5).

(7) Not later than 90 days after receipt of the report under paragraph (6), the Secretary shall—

(A) modify the plan in light of the evaluation of the Academy in the report; and

(B) commence implementation of the plan as so modified.

(b) COMPILATION AND ANALYSIS OF INFORMATION IN DATABASE.—(1) The Secretary of Veterans Affairs shall compile and analyze, on an ongoing basis, all clinical data in the data base under subsection (a) that is likely to be scientifically useful in determining the association, if any, between the illnesses (including diagnosed illnesses and undiagnosed illnesses) of veterans covered by such data and exposure to toxic agents or environmental or wartime hazards associated with Gulf War service.

(2) The Secretary of Defense shall compile and analyze, on an ongoing basis, all clinical data in the data base that is likely to be scientifically useful in determining the association, if any, between the illnesses (including diagnosed illnesses and undiagnosed illnesses) of current members of the Armed Forces (including members on active duty and members of the reserve components) and exposure to such agents or hazards.

(c) ANNUAL REPORT.—Not later than April 1 of each year after a year in which the Secretary of Veterans Affairs and the Secretary of Defense carry out activities under subsection (b), the Secretaries shall jointly submit to the designated congressional committees a report containing—

(1) with respect to the data compiled in accordance with subsection (b) during the preceding year—

(A) an analysis of the data;

(B) a discussion of the types, incidences, and prevalence of the disabilities and illnesses identified through such data;

(C) an explanation for the incidence and prevalence of such disabilities and illnesses;

(D) other reasonable explanations for the incidence and prevalence of such disabilities and illnesses; and

(E) an analysis of the scientific validity of drawing conclusions from the incidence and prevalence of such disabilities and illnesses, as evidenced by such data, about any association between such disabilities and illnesses, as the case may be, and exposure to a toxic agent or environmental or wartime hazard associated with Gulf War service; and

(2) with respect to the most current information received under section 3(h) regarding treatment models reviewed under section 3(e)—

(A) an analysis of the information;

(B) the results of any consultation between such Secretaries regarding the implementation of such treatment models in the health care systems of the Department of Veterans Affairs and the Department of Defense; and

(C) in the event either such Secretary determines not to implement such treatment models, an explanation for such determination.

SEC. 5. SCIENTIFIC RESEARCH FEASIBILITY STUDIES PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary of Veterans Affairs, the Secretary of Defense, and the Secretary of Health and Human Services shall jointly carry out a program to provide for the conduct of studies of the feasibility of conducting additional scientific research on health hazards resulting from exposure to toxic agents or environmental or wartime hazards associated with Gulf War service.

(b) PROGRAM REQUIREMENTS.—(1) Under the program under subsection (a), the Secretaries shall, pursuant to criteria prescribed pursuant to paragraph (2), jointly award contracts or furnish financial assistance to non-Government entities for the conduct of studies referred to in subsection (a).

(2) The Secretaries shall jointly prescribe criteria for—

(A) the selection of entities to be awarded contracts or to receive financial assistance under the program; and

(B) the approval of studies to be conducted under such contracts or with such financial assistance.

(c) REPORT.—The Secretaries shall jointly report the results of studies conducted under the program to the designated congressional committees.

(d) CONSULTATION WITH NATIONAL ACADEMY OF SCIENCES.—(1) To the extent provided under the agreement entered into by the Secretary of Veterans Affairs and the National Academy of Sciences under section 3—

(A) the Secretary shall consult with the Academy regarding the establishment and administration of the program under subsection (a); and

(B) the Academy shall review the studies conducted under contracts awarded pursuant to the program and the studies conducted with financial assistance furnished pursuant to the program.

(2) The agreement shall require the Academy to submit any recommendations that the Academy considers appropriate regarding any studies reviewed for purposes of this subsection to the following:

(A) The designated congressional committees.

(B) The Secretary of Veterans Affairs.

(C) The Secretary of Defense.

(D) The Secretary of Health and Human Services.

SEC. 6. OUTREACH.

(a) OUTREACH BY SECRETARY OF VETERANS AFFAIRS.—The Secretary of Veterans Affairs shall, in consultation with the Secretary of Defense and the Secretary of Health and Human Services, carry out an ongoing program to provide veterans who served in the Southwest Asia theater of operations during the Persian Gulf War the information described in subsection (c).

(b) OUTREACH BY SECRETARY OF DEFENSE.—The Secretary of Defense shall, in consultation with the Secretary of Veterans Affairs and the Secretary of Health and Human Services, carry out an ongoing program to provide current members of the Armed Forces (including members on active duty and members of the reserve components) who served in that theater of operations during that war the information described in subsection (c).

(c) COVERED INFORMATION.—Information under this subsection is information relating to—

(1) the health risks, if any, resulting from exposure to toxic agents or environmental or wartime hazards associated with Gulf War service; and

(2) any services or benefits available with respect to such health risks.

SEC. 7. DEFINITIONS.

In this Act:

(1) The term ''toxic agent or environmental or wartime hazard associated with Gulf War service'' means a biological, chemical, or other toxic agent or environmental or wartime hazard that is known or presumed to be associated with service in the Armed Forces in the Southwest Asia theater of operations during the Persian Gulf War.

(2) The term ''designated congressional committees'' means the following:

(A) The Committees on Veterans' Affairs and Armed Services of the Senate.

(B) The Committees on Veterans' Affairs and National Security of the House of Representatives.

Mr. DASCHLE. Mr. President, several years ago, I authored legislation that today allows Vietnam veterans to receive disability compensation for their exposure to Agent Orange and other toxic herbicides. This legislation, known as the Agent Orange Act of 1991, called for the National Academy of Sciences to review scientific and medical information related to the health effects of exposure to Agent Orange. In addition, it provided permanent presumptions of service connection for soft-tissue sarcoma, non-Hodgkin's lymphoma, chloracne, and any additional diseases the Secretary of Veterans Affairs, based on the Academy review and other relevant information, may determine to be associated with such exposure.

For more than a decade, many in Congress and the Department of Veterans Affairs [VA] debated whether there was a connection between exposure to Agent Orange and other toxic herbicides and the illnesses suffered by Vietnam veterans. There were allegations of bureaucratic attempts to thwart scientific investigations of the issue and alter, bury, or delay Government reports that did exist. Ultimately, independent scientific evidence and a long-term effort to uncover Government information convinced Congress to pass the Agent Orange Act of 1991.

With the help and guidance of Senator ROCKEFELLER and many others who cosponsored this legislation in the House and Senate, Vietnam veterans exposed to Agent Orange and other herbicides are beginning to receive the treatment and compensation they deserve. And, with the passage of additional legislation last year, approximately 2,800 children of Vietnam veterans whose exposure to Agent Orange has been linked to their children's diagnosis of spina bifida, a congenital defect in the spine, are now eligible for health care and related services from the VA.

Although we have made great strides to determine the cause of illnesses suffered by Vietnam veterans and their children and agreed to provide them with just compensation, we have yet to do the same for those men and women who served in the Persian gulf war. When the first reports of gulf war illness emerged, several of us warned that we needed to be sure that we did not repeat the mistakes that were made with respect to Agent Orange. We needed to act quickly to ask all the appropriate questions and secure timely answers. Whatever our investigation might reveal, we needed to uncover the truth and act accordingly. Our Nation's veterans deserve no less.

Unfortunately, the effort to get to the truth has been undermined by actions painfully reminiscent of the Agent Orange experience. I am hopeful, though, that those actions are behind us and that we are now moving ahead with a single-minded commitment to the truth.

Countless studies have been conducted to determine whether there is a connection between a wide range of toxins as well as environmental and wartime hazards and the illnesses suffered by Persian Gulf war veterans and their families. Despite these efforts, the actual causes of Persian Gulf war illnesses remain unknown, and many veterans and their families continue to suffer.

Mr. President, it is time for Congress, the VA, the Department of Defense [DOD] and the Department of Health and Human Services [HHS] to step up their efforts to find the causes of Persian Gulf war illnesses. More importantly, we must provide veterans and their families with proper medical care and compensation regardless of whether we know the particular causes of their illnesses.

That is why I am proud to join my friend and colleague from West Virginia, Senator ROCKEFELLER, in introducing the Persian Gulf War Veterans Act of 1991. As ranking member of the Senate Veterans' Affairs Committee, Senator ROCKEFELLER has been a tireless advocate for all veterans. His commitment and dedication to improving the lives of veterans and their families is well known, and he and his staff on the Veterans' Affairs Committee deserve to be commended for their work in drafting this important legislation.

Since the Persian Gulf war ended in 1991, many veterans have been suffering from a variety of symptoms, including extreme fatigue, joint and muscle pain, short-term memory loss, diarrhea, unexplained rashes, night sweats, headaches, and bleeding gums. Many believe that these illnesses may be caused by exposure to a wide range of toxins as well as environmental and wartime hazards. Among the potentially hazardous substances to which United States servicemembers may have been exposed are smoke from oil-well fires set by retreating Iraqi soldiers; pesticides and repellents; depleted uranium used in munitions; infectious diseases; petroleum products; and vaccines to protect against chemical warfare agents.

U.S. servicemembers may have also been exposed to chemical warfare agents. For 5 years, the Pentagon had steadfastly insisted that no United States soldiers had been exposed to chemical weapons in Iraq. In June of last year, however, the Pentagon revealed that chemical munitions had been unknowingly destroyed near an ammunition dump at Khamisiyah in southern Iraq and that 20,000 United States troops may have been exposed. In July of this year, the Pentagon changed its assessment again and announced that nearly 100,000 U.S. servicemembers may have actually been exposed to trace levels of poisonous sarin gas.

Much like the Agent Orange Act of 1991, the Persian Gulf War Veterans Act of 1997 calls for the Department of Veterans Affairs to contract with the National Academy of Sciences to evaluate the available scientific evidence regarding associations between illnesses suffered by Persian Gulf war veterans and their exposure to toxins or environmental or wartime hazards. Specifically, the Academy would identify the biological, chemical, or other

toxic agents or environmental or wartime hazards to which U.S. service members may have been exposed during the Persian Gulf war.

The National Academy of Sciences would be required to identify those diagnosed and undiagnosed illnesses among Persian Gulf war veterans. In addition, it would be responsible for reviewing potential treatment for chronic undiagnosed illnesses. As it did under the Agent Orange legislation, the Academy would also be authorized to make recommendations for additional scientific studies regarding the exposure that Persian Gulf war veterans may have had to toxic agents or environmental or wartime hazards.

Based upon the assessments of the National Academy of Sciences and any other relevant scientific and medical information, the Secretary of Veterans Affairs would then determine whether a presumption of service connection is warranted for various diagnosed or undiagnosed illnesses. The Secretary would provide compensation when there is a positive association between the illness and exposure to one or more toxic agents or environmental or wartime hazards during the Persian Gulf war. A positive association is regarded as one where credible evidence for the association is equal to or outweighs credible evidence against the association. Like the Agent Orange Act, this legislation provides for ongoing Academy reviews and puts a mechanism in place whereby the Secretary may provide compensation for additional illnesses as the scientific evidence warrants.

The bill Senator ROCKEFELLER and I are introducing today also requires the VA to collaborate with the Pentagon to operate a computerized database for the collection, storage, and analysis of information on the diagnosed and undiagnosed illnesses suffered by Persian Gulf war veterans. I should point out that the database would also include information on the treatment veterans receive for chronic undiagnosed illnesses. The VA would be required to continuously compile and analyze the information in this database that is likely to determine the association between the diagnosed and undiagnosed illnesses suffered by veterans and their exposure to toxic agents or environmental or wartime hazards during the Persian Gulf war.

In June, the General Accounting Office issued a report stating that, ''although efforts have been made to diagnose veterans' problems and care had been provided to many eligible veterans, neither DOD nor VA has systematically attempted to determine whether ill Gulf War veterans are any better or worse today than when they were first examined.'' The database we are proposing would correct that deficiency. It would permit VA and DOD to determine whether Persian Gulf war veterans are getting better over time and whether they are responding to the treatment they are receiving.

The bill we are introducing today also calls for enhanced outreach to those who served in the Persian Gulf war. Specifically, it would require the VA to consult with DOD and HHS to create an ongoing program to provide information to veterans and their families. For example, they would receive information pertaining to the possible health risks to Persian Gulf war veterans who were exposed to toxic agents or environmental or wartime hazards. In addition, veterans would receive valuable information on any services or benefits available to them.

Mr. President, as I mentioned previously, we have made great strides to determine the cause of illnesses suffered by Vietnam veterans and their children and agreed to provide them with just compensation. We must now enhance our efforts to help those who served our country during the Persian Gulf war. Passage of this legislation is essential to providing answers to the many questions we have about the causes of Persian Gulf war illnesses. More importantly, it will ensure that our veterans are receiving proper medical care and the compensation they have earned. I again thank Senator ROCKEFELLER for his leadership on this issue and hope my colleagues will support this important legislation.

SENATE RESOLUTION 140—RELATIVE TO INTERNATIONAL SHIPPING

Mr. HELMS (for himself, Mr. LOTT, Mr. FAIRCLOTH, Mr. BREAUX, Mr. HOLLINGS, Mr. BINGAMAN, Mr. BROWNBACK, and Mr. Inouye) submitted the following resolution; which was referred to the Committee on Commerce, Science, and Transportation.

S. RES. 140

Whereas restrictive and discriminatory Japanese port practices have been a significant source of international concern for many years, have increased the cost of transporting goods to and from Japan for American consumers, and all ocean carriers and their customers, and have restricted United States carriers' operations in Japan while Japanese carriers have not faced similar restrictions in the United States.

Whereas for many years the Federal Maritime Commission, and the United States Departments of State and Transportation, have investigated and monitored these practices and urged the Japanese Government to remedy the problems caused by these restrictions; and

Whereas recent actions by the Federal Maritime Commission and negotiations conducted by the Departments of State and Transportation with the Government of Japan have reportedly produced agreements which would, when implemented, reform the Japanese port practices and remedy these problems: Now, therefore, be it

Resolved, That the Senate express strong support for—

(1) the efforts of the President and executive branch to achieve removal of Japanese port restrictions, and

(2) vigilant, continued monitoring and enforcement by the Federal Maritime Commission of changes in port practices promised by the Japanese Government that will benefit international trade.

Mr. HELMS. Mr. President, I, Senator FAIRCLOTH, Senator LOTT, Senator BREAUX, Senator HOLLINS, Senator BINGAMAN, Senator BROWNBACK, and Senator INOUYE are submitting today a sense-of-the-Senate resolution which commends the administration for its actions in attempting to end the Japanese blockade of American ships who wish to use Japanese port facilities. We are also urging the administration to remain firm and stand behind the Federal Maritime Commission in these negotiations with the Government of Japan.

This issue is a no brainer. The Japanese are simply throwing up a blockade against American ships, who seek to dock at Japanese ports.

Mr. President, this protectionist stand has increased cost of shipping for the American consumer and all American ocean carriers and their customers. We simply will not tolerate that kind of treatment from Japan or any other trading partner.

The Federal Maritime Commission is to be commended for taking a tough line toward the Japanese port authorities. We encourage the administration to stand squarely behind the Commission's efforts to achieve fairness for American ships, especially because we allow the Japanese open access to our ports.

There is the Biblical saying of ''Do unto others as you would have them do unto you.'' The Japanese version is the complete reverse of that.

We accommodate Japanese shipping and we should expect no less of them.

Mr. President, I urge the Senate to swiftly adopt this resolution.

ADDITIONAL COSPONSORS

S. 61

At the request of Mr. LOTT, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 61, a bill to amend title 46, United States Code, to extend eligibility for veterans' burial benefits, funeral benefits, and related benefits for veterans of certain service in the United States merchant marine during World War II.

S. 412

At the request of Mr. LAUTENBERG, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 412, a bill to provide for a national standard to prohibit the operation of motor vehicles by intoxicated individuals.

S. 943

At the request of Mr. SPECTER, the name of the Senator from California [Mrs. FEINSTEIN] was added as a cosponsor of S. 943, a bill to amend title 49, United States Code, to clarify the application of the Act popularly known as the ''Death on the High Seas Act'' to aviation accidents.

S. 1096

At the request of Mr. GRASSLEY, the name of the Senator from Maine [Ms. COLLINS] was added as a cosponsor of S.