

illnesses associated with service in the Persian Gulf war, to extend and enhance certain health care authorities relating to such service, and for other purposes; to the Committee on Veterans' Affairs.

PERSIAN GULF VETERANS ACT OF  
1998

Mr. BYRD. Mr. President, not too long ago, the Senate returned to work from celebrating the Fourth of July, Independence Day. By now, the flags that flew so gaily in front of our houses have long since been furled or folded, tucked away in dark closets until next year. The banners and bunting that adorned main streets throughout the country have been taken down, and the high school band's uniforms are again hanging in orderly rows to await September's football games. Our military veterans, cheered at Fourth of July parades as the legacy of those proud men who wrested our freedom from the hands of Redcoats, have again been put out of most people's minds until somber Veterans Day rolls around in November. But it is with the memory of Independence Day still fresh in my mind that I consider how well we as a nation treat the veterans who have protected our freedoms so well.

The Department of Veterans Affairs does a pretty good job of taking care of individual veterans, despite the fact that funding for veterans programs has been declining in real dollars for many years. But, like most bureaucracies, the VA does not always move nimbly and with great precision to identify big trends as quickly as one might like. In large part, that may be because the VA must depend on the even larger and more cumbersome Department of Defense to provide it with the background information on what happened to our veterans while they were on active duty that may require the ministrations of the VA after a conflict. In the case of the Persian Gulf War, the Department of Defense did not, by its own admission, do a very aggressive job early on in trying to get to the bottom of what happened in the Gulf. As a result, we have been engaged in a long and circular debate regarding the large numbers of sick Persian Gulf War veterans, and the trail that will lead us to the answers to what really happened in that theater of operations is growing colder by the day.

Mr. President, I have been working with the Committee on Veterans' Affairs on this issue, and I am pleased that Senator ROCKEFELLER, Senator SPECTER, and I have been able to draft a bill that will bring to a close a part of the debate that has been eroding the confidence of our soldiers in their government's support for them, and eroding the confidence of our veterans that their nation cares for them. I thank my colleague from West Virginia, Mr. ROCKEFELLER, for his courtesy in working with me, and I thank Senator SPECTER also for his cooperation. The en-

couragement and support offered by the Chronic Illness Research Foundation and the veterans service organizations, particularly the American Legion, the National Gulf War Resources Center, Vietnam Veterans of America, and the National Vietnam and Gulf War Veterans Coalition, have also been critical to this joint effort. That debate is the now 7-year-old argument over what really happened to our soldiers, sailors, and airmen during the Operation Desert Storm to make so many of them sick. As of March 31, 1998, there were 112,123 active and former military personnel on the Department of Defense and Department of Veterans Affairs' Persian Gulf Registries. That is a lot of sick people, and I understand that new registrants continue to sign on at a rate of 80 to 90 each week.

In the 7 years since the "hot" phase of that conflict ended, a fog of words has further obscured the fog of war that enveloped these military men and women in its fetid, inky grasp. Panel after panel has been convened, congressional committee after congressional committee has conducted hearings, report after report has been issued. Mountains of paper have been created. Yet, substantial, concrete action to end this debate has not been taken, though many recommendations have been issued.

The President's own Advisory Committee on Gulf War Veterans' Illnesses warned in their October 1997 final report that the government's credibility was at stake and urged that a "permanent, statutory" program of benefits and health care for the sick Persian Gulf veterans be established. This bill that we have introduced today begins that important work. It ends the long argument about what happened in the Gulf and who might have been exposed to what, and focuses on the "now what?" phase. This bill establishes a mechanism for the National Academy of Sciences or some other comparable body to periodically review the scientific and medical literature to identify what specific illnesses or diseases might arise from exposure to all of those hazardous materials that were present in the Gulf or that can otherwise be associated with service in that theater of war. The experts provide the Secretary of Veterans Affairs with that list, and the Secretary reviews and establishes regulations to establish those illnesses and diseases as service connected for the purposes of providing medical care and other benefits to Gulf War veterans. The Secretary will also receive recommendations from the National Academy regarding further medical research needed to answer questions about illness and service in the Gulf. The Secretary, in conjunction with the Secretary of Defense and the Secretary of Health and Human Services, is requested to outline a program of medical research based on those recommendations and other information that may warrant further research.

In an effort to jump-start this review process, the bill contains a lengthy list

of materials to which numerous government and expert scientific panels have suggested the Gulf veterans may have been exposed. This list was drawn from legislation, H.R. 4036, introduced in the House of Representatives by Representative CHRISTOPHER SHAYS and Representative BERNARD SANDERS of the Subcommittee on Human Resources of the House Committee on Government Reform and Oversight after 2 years of hearings and review. Their tireless efforts have been invaluable. This bill asks the National Academy to begin its review with that list, and to report within 6 months on its findings. Our concern is to expedite this process with as much speed as is prudent, given the long wait that these veterans have already faced.

Remember the chiaroscuro images of that conflict—the bright sand inked over with grimy, oily debris, the road dust sprayed down with oil, chemical alarms blaring, pesticides and insecticides liberally sprayed to keep disease-carrying insects at bay, and of men and women pumped full of last minute vaccines and ordered to take nerve agent pretreatment pills whenever the chemical alarms sounded. Top it all off with the image of man-made thunderclouds forming over the vast ammunition pit at Khamisiyah when U.S. troops destroyed tons of captured Iraqi shells, some unknown quantity of which was loaded with chemical mustard and nerve agents. It was a dirty, dirty war, concentrated over a fairly compact area filled with almost 700,000 U.S. troops. We can be fairly confident on the basis of many previous studies that all of these listed hazards and potential hazards were present in that theater of war, even though we will never be able to say which hazards each individual soldier, sailor, and airman was exposed to and at what dosage. But wounds created by chemicals maim just as readily, if not as visibly, as bullets.

This situation, and this legislation addressing it, are similar to the way that the terrible legacy of Agent Orange from the Vietnam War was finally, agonizingly, resolved. In that case, finally, Congress simply declared that we know that these herbicides were present in country in enormous quantities, but we do not know, and likely never will know, precisely who may have been exposed to them and in what dosage. Therefore, we will simply acknowledge that if you were there during the time that Agent Orange and the other similar herbicides were being used, you may well have been exposed, and if you come down with a disease or illness which can be plausibly linked to that exposure, we will assume that you may have gotten it as a result of that exposure and act accordingly.

It took a long time to get to that point, but it was the right thing to do, and it helped to restore the crisis in confidence that had shaken our servicemen and our veterans. The situation in the Gulf is hauntingly similar, a refrain from the same song. Almost

700,000 men and women were in the Gulf when the shooting started and operated in a fluid battlefield that included many potential hazards. Collection of data was not done or could not be done in a way that allows us to reconstruct every nuance of that situation 7 years later. Even veterans medical records are not as complete as we would now like them to be. So we find ourselves in a chicken soup of possibilities, debating endlessly about whether this pea or this carrot or this piece of meat was here or there in the soup at any point in time, when really all we know is that all the ingredients for a soup were in the pot. So, let us stop analyzing that broth at the expense of taking any further action and get on with turning it into a restorative and nourishing balm for our ailing veterans. This legislation does not presume exposure of every veteran to every possible hazard. Rather, it looks at these hazards and to the illnesses already being seen in the veteran population and determines what diseases and illnesses can be associated with that service or those hazards. If the veteran has that disease or illness, then it is presumed to have been as a result of his exposure to that hazard or hazards or to that service.

Vietnam veterans had to wait almost 20 years before their medical crisis was resolved, and is still being resolved. We must show that we as a Government can learn from that experience and push forward so that the veterans from the Persian Gulf War do not have to wait so long. I think it is possible to learn from history, and recent history provides the freshest lessons. If we do not act decisively now, these newest veterans will be one more year closer to reaching that sorry halfway hurdle. That is why I am proud to cosponsor this bill with Senator ROCKEFELLER and Senator SPECTER, the Persian Gulf War Veterans Act of 1998, to be considered by the Committee on Veterans' Affairs as it meets to address pending legislation. I hope that the Committee will receive it favorably, and that the Senate can move to address the needs of our nations newest conflict veterans and stem the crisis of confidence that the slow and often stumbling Government response to this health care dilemma has created in our servicemen and women, and in our veterans.

Mr. President, the men and women who go into combat for the rest of us deserve our lasting gratitude. They also deserve to have their wounded compatriots properly and aggressively taken care of and that is what President Lincoln meant when he said, "To take care of him who has borne the battle, and his widow and children" which the Department of Veterans Affairs has adopted as its motto. When we fail to do this, we undermine that covenant, and we put cold and daunting doubt in the hearts of those who might otherwise consider volunteering for that hard duty.

To those who are concerned, as I am, about readiness in our military, I say

that this is the final element of all the recruiting, advertising, and patriotic appeals to join the military and serve the nation in uniform. This is the element that seals the deal—the commitment to care for our soldiers who are wounded in service. It must be there, and our men and women in uniform must be confident in its compassion and in its endurance, or no signing bonus will keep volunteers in the military. We took too long to follow through with our veterans from Vietnam, and we are in danger of making the same mistake with our veterans from the Persian Gulf:

A man who is good enough to shed his blood for his country is good enough to be given a square deal afterwards. More than that no man is entitled to, and less than that no man shall have.

So said President Theodore Roosevelt on another Independence Day 95 years ago, on July 4, 1903, following the Spanish-American War. I believe that this Congress wants to, and will, live up to that sentiment.

Mr. ROCKEFELLER. Mr. President, along with Senator BYRD and Senator SPECTER, I am proud to introduce today the "Persian Gulf War Veterans Act of 1998." This bipartisan legislation establishes a clear framework for the compensation and health care needs of Gulf War veterans. This bill would 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 and builds upon S. 1320, which I introduced last October.

The bill we introduce today is an even more comprehensive effort to address the needs of our Nation's Gulf War veterans. Senator BYRD's and Senator SPECTER's many contributions have served to make this an even stronger bill that will help to expedite the process of scientific review of possible wartime hazards and exposures that may have contributed to illnesses in our Gulf War veterans, which in turn expedites compensation to ill veterans. It will also help ensure health care for these men and women in the years to come, and improves the current program for evaluating the health of families of Gulf War veterans.

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 seven 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.

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.

This bill tasks the NAS with first reviewing a list of likely exposures. Such a step will jump start their review and provide NAS with an initial blueprint to build upon. This is important because it will speed up the process of providing compensation to veterans, and our veterans should not have to wait any longer.

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 extends VA's authority to provide health care to Gulf War veterans through December 31, 2001. 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. Gulf War veterans' access to health care through VA must be continue to be ensured.

Fourth, 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.

Fifth, 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.

In addition, this legislation calls for the establishment of a system to monitor the health status of Persian Gulf War veterans over time. 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 health care utilization of veterans with chronic undiagnosed illnesses to better evaluate these veterans' health care needs. 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.

Also, 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 addi-

tional services or benefits that are available.

This bill also extends and improves upon VA's Persian Gulf War Spouse and Children Evaluation Program to allow VA greater flexibility in the implementation of this important program and to allow for greater access for the families who seek medical evaluations.

Finally, this bill requires the Secretary of VA to enter into an agreement with the National Academy of Sciences to study the feasibility of establishing, as an independent entity, a National Center for the Study of Military Health. The proposed center would evaluate and monitor interagency coordination on issues relating to post-deployment health concerns of members of the Armed Forces. In addition, this center would evaluate the health care provided to members of the Armed Services both before and after their deployment on military operations. It could also monitor and direct government efforts to evaluate the health of servicemembers upon their return from military deployments, for purposes of ensuring the rapid identification of any trends in diseases or injuries that result from such operations. Finally, such an independent health center could also serve an important role in providing training of health care professionals in DoD and VA in the evaluation and treatment of post-conflict diseases and health conditions, including nonspecific and unexplained illnesses.

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 ever changing 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. I ask my colleagues in the Senate to join Senator BYRD, Senator SPECTER, and me in supporting this legislation.

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. 2358

*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 "Persian Gulf War Veterans Act of 1998".

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

Sec. 1. Short title; table of contents.

**TITLE I—SERVICE CONNECTION FOR GULF WAR ILLNESSES**

- Sec. 101. Presumption of service connection for illnesses associated with service in the Persian Gulf during the Persian Gulf War.
- Sec. 102. Agreement with National Academy of Sciences.
- Sec. 103. Monitoring of health status and health care of Persian Gulf War veterans.
- Sec. 104. Reports on recommendations for additional scientific research.
- Sec. 105. Outreach.
- Sec. 106. Definitions.

**TITLE II—EXTENSION AND ENHANCEMENT OF GULF WAR HEALTH CARE AUTHORITIES**

- Sec. 201. Extension of authority to provide health care for Persian Gulf War veterans.
- Sec. 202. Extension and improvement of evaluation of health status of spouses and children of Persian Gulf War veterans.

**TITLE III—MISCELLANEOUS**

- Sec. 301. Assessment of establishment of independent entity to evaluate post-conflict illnesses among members of the Armed Forces and health care provided by DoD and VA before and after deployment of such members.

**TITLE I—SERVICE CONNECTION FOR GULF WAR ILLNESSES**

**SEC. 101. 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, environmental or wartime hazard, or preventive medicine or vaccine 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, hazard, or medicine or vaccine.

"(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, hazard, or medicine or vaccine 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, hazard, or medicine or vaccine 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 or animals to a biological, chemical, or other toxic agent, environmental or wartime hazard, or preventive medicine or vaccine 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 or animals.

“(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 102 of the Persian Gulf War Veterans Act of 1998; 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 or animals and exposure to an agent, hazard, or medicine or vaccine 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) Not later than 60 days after the date on which the Secretary receives a report from the National Academy of Sciences under section 102 of the Persian Gulf War Veterans Act of 1998, the Secretary shall determine whether or not a presumption of service connection is warranted for each illness, if any, covered by the report.

“(2) If the Secretary determines under this subsection 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.

“(3)(A) If the Secretary determines under this subsection 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.

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

“(4) Not later than 90 days after the date on which the Secretary issues any proposed regulations under this subsection, 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 102 of the Persian Gulf War Veterans Act of 1998.”.

(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 under section 1118(c) of this title that a presumption of service connection for an undiagnosed illness (or combination of undiagnosed illnesses) previously established under this section is no longer warranted—

“(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 102 of the Persian Gulf War Veterans Act of 1998.”.

#### SEC. 102. 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, environmental or wartime hazards, or preventive medicines or vaccines 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 activities covered by this section and sections 103(a)(6) and 104(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, environmental or wartime hazards, or preventive medicines or vaccines 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)(A) and among other appropriate populations of individuals, including mortality, symptoms, and adverse reproductive health outcomes among such members and individuals.

(d) INITIAL CONSIDERATION OF SPECIFIC AGENTS.—(1) In identifying under subsection (c) the agents, hazards, or preventive medicines or vaccines to which members of the Armed Forces may have been exposed for purposes of the first report under subsection (i), the National Academy of Sciences shall consider, within the first six months after the date of enactment of this Act, the following:

(A) The following organophosphorous pesticides:

(i) Chlorpyrifos.

(ii) Diazinon.

(iii) Dichlorvos.

(iv) Malathion.

(B) The following carbamate pesticides:

(i) Proxpur.

(ii) Carbaryl.

(iii) Methomyl.

(C) The carbamate pyridostigmine bromide used as nerve agent prophylaxis.

(D) The following chlorinated hydrocarbon and other pesticides and repellents:

(i) Lindane.

(ii) Pyrethrins.

(iii) Permethrins.

(iv) Rodenticides (bait).

(v) Repellent (DEET).

(E) The following low-level nerve agents and precursor compounds at exposure levels below those which produce immediately apparent incapacitating symptoms:

(i) Sarin.

(ii) Tabun.

(F) The following synthetic chemical compounds:

(i) Mustard agents at levels below those which cause immediate blistering.

(ii) Volatile organic compounds.

(iii) Hydrazine.

(iv) Red fuming nitric acid.

(v) Solvents.

(vi) Uranium.

(G) The following ionizing radiation:

(i) Depleted uranium.

(ii) Microwave radiation.

(iii) Radio frequency radiation.

(H) The following environmental particulates and pollutants:

(i) Hydrogen sulfide.

(ii) Oil fire byproducts.

(iii) Diesel heater fumes.

(iv) Sand micro-particles.

(I) Diseases endemic to the region (including the following):

(i) Leishmaniasis.

(ii) Sandfly fever.

(iii) Pathogenic escherechia coli.

(iv) Shigellosis.

(J) Time compressed administration of multiple live, ‘attenuated’, and toxoid vaccines.

(2) The consideration of agents, hazards, and medicines and vaccines under paragraph (1) shall not preclude the Academy from identifying other agents, hazards, or medicines or vaccines to which members of the

Armed Forces may have been exposed for purposes of any report under subsection (i).

(3) Not later than six months after the date of enactment of this Act, the National Academy of Science shall submit to the designated congressional committees a report specifying the agents, hazards, and medicines and vaccines considered under paragraph (1).

(e) DETERMINATIONS OF ASSOCIATIONS BETWEEN AGENTS AND ILLNESSES.—(1) For each agent, hazard, or medicine or vaccine 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, hazard, or medicine or vaccine 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 or animal populations exposed to the agent, hazard, or medicine or vaccine; and

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

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

(f) 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 other chronic illness that the Academy determines to warrant such 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.

(g) 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, environmental or wartime hazards, or preventive medicines or vaccines 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.

(h) 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 (e), (f), and (g) that became available since the last review of such evidence and data under this section; and

(B) make determinations under the subsections referred to in subparagraph (A) on the basis of the results of such review and all other reviews previously conducted for purposes of this section.

(i) REPORTS.—(1) Under the agreement under subsection (b), the National Academy of Sciences shall submit to the committees

and officials referred to in paragraph (5) periodic written reports regarding the Academy's activities under the agreement.

(2) The first report under paragraph (1) shall be submitted 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 (e);

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

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

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

(4) 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 ending on the date of such report.

(5) 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.

(j) 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 (i).

(k) 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 purposes of this section with another appropriate scientific organization that is not part of the Government, operates as a not-for-profit entity, and has expertise and objectivity comparable to that of the National Academy of Sciences.

(2) If the Secretary enters into an agreement with another organization under this subsection, any reference in this section, sections 103 and 104, and section 1118 of title 38, United States Code (as added by section 101), to the National Academy of Sciences shall be treated as a reference to such other organization.

### SEC. 103. MONITORING OF HEALTH STATUS AND HEALTH CARE 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 illnesses 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 health care utilization patterns of such members with—

(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 102(f).

(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 health care utilization patterns referred to in paragraph (1)(B); and

(C) the changes in health status of veterans covered by paragraph (1).

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

(A) 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).

(B) 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).

(C) Information derived from other examinations and treatment provided by Department of Veterans Affairs health care facilities to veterans who served in the Southwest Asia theater of operations during the Persian Gulf War.

(D) Information derived from other examinations and treatment provided by military health care facilities to current members of the Armed Forces (including members of the active components and members of the reserve components) who served in that theater of operations during that war.

(E) 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 102 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 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) ANNUAL REPORT.—Not later than April 1 each year after the year in which operation of the data base under subsection (a) commences, the Secretary of Veterans Affairs and the Secretary of Defense shall jointly submit to the designated congressional committees a report containing—

(1) with respect to the data compiled under this section during the preceding year—

(A) an analysis of the data;

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

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

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

(2) with respect to the most current information received under section 102(i) regarding treatment models reviewed under section 102(f)—

(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. 104. REPORTS ON RECOMMENDATIONS FOR ADDITIONAL SCIENTIFIC RESEARCH.**

(a) **REPORTS.**—Not later than 90 days after the date on which the Secretary of Veterans Affairs receives any recommendations from the National Academy of Sciences for additional scientific studies under section 102(g), the Secretary of Veterans Affairs, Secretary of Defense, and Secretary of Health and Human Services shall jointly submit to the designated congressional committees a report on such recommendations, including whether or not the Secretaries intend to carry out any recommended studies.

(b) **ELEMENTS.**—In each report under subsection (a), the Secretaries shall—

(1) set forth a plan for each study, if any, that the Secretaries intend to carry out; or

(2) in case of each study that the Secretaries intend not to carry out, set forth a justification for the intention not to carry out such study.

**SEC. 105. 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 of the active components 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, environmental or wartime hazards, or preventive medicines or vaccines associated with Gulf War service; and

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

**SEC. 106. DEFINITIONS.**

In this title:

(1) The term “toxic agent, environmental or wartime hazard, or preventive medicine or vaccine associated with Gulf War service” means a biological, chemical, or other toxic agent, environmental or wartime hazard, or preventive medicine or vaccine 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, whether such association arises as a result of single, repeated, or sustained exposure and whether such association arises through exposure singularly or in combination.

(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.

(3) The term “Persian Gulf War” has the meaning given that term in section 101(33) of title 38, United States Code.

**TITLE II—EXTENSION AND ENHANCEMENT OF GULF WAR HEALTH CARE AUTHORITIES**

**SEC. 201. EXTENSION OF AUTHORITY TO PROVIDE HEALTH CARE FOR PERSIAN GULF WAR VETERANS.**

Section 1710(e)(3)(B) of title 38, United States Code, is amended by striking out “December 31, 1998” and inserting in lieu thereof “December 31, 2001”.

**SEC. 202. EXTENSION AND IMPROVEMENT OF EVALUATION OF HEALTH STATUS OF SPOUSES AND CHILDREN OF PERSIAN GULF WAR VETERANS.**

(a) **EXTENSION.**—Subsection (b) of section 107 of the Persian Gulf War Veterans' Benefits Act (title I of Public Law 103-446; 38 U.S.C. 1117 note) is amended by striking out “ending on December 31, 1998.” and inserting in lieu thereof “ending on the earlier of—

“(1) the date of the completion of expenditure of funds available for the program under subsection (c); or

“(2) December 31, 2001.”.

(b) **TERMINATION OF CERTAIN TESTING AND EVALUATION REQUIREMENTS.**—Subsection (a) of that section is amended by striking out the flush matter following paragraph (3).

(c) **OUTREACH.**—Subsection (g) of that section is amended—

(1) by inserting “(1)” before “The Secretary”;

(2) by redesignating paragraphs (1) and (2) of paragraph (1), as designated by paragraph (1) of this subsection, as subparagraphs (A) and (B) of that paragraph; and

(3) by adding at the end the following new paragraphs:

“(2) In addition to the outreach activities under paragraph (1), the Secretary shall also provide outreach with respect to the following:

“(A) The existence of the program under this section.

“(B) The purpose of the program.

“(C) The availability under the program of medical examinations and tests, and not medical treatment.

“(D) The findings of any published, peer-reviewed research with respect to any associations (or lack thereof) between the service of veterans in the Southwest Asia theater of operations and particular illnesses or disorders of their spouses or children.

“(3) Outreach under this subsection shall be provided any veteran who served as a member of the Armed Forces in the Southwest Asia theater of operations and who—

“(A) seeks health care or services at medical facilities of the Department of Veterans Affairs; or

“(B) is or seeks to be listed in the Persian Gulf War Veterans Registry.”.

(d) **ENHANCED FLEXIBILITY IN EXAMINATIONS.**—That section is further amended—

(1) by redesignating subsections (i) and (j) as subsections (k) and (l), respectively; and

(2) by inserting after subsection (h) the following new subsection (i):

“(i) **ENHANCED FLEXIBILITY IN EXAMINATIONS.**—In order to increase the number of diagnostic tests and medical examinations under the program under this section, the Secretary may—

“(1) reimburse the primary physicians of spouses and children covered by that subsection for the costs of conducting such tests or examinations, with such rates of reimbursement not to exceed the rates paid contract entities under subsection (d) for conducting tests or examinations under the program;

“(2) conduct such tests or examinations of spouses covered by that subsection in medical facilities of the Department; and

“(3) in the event travel is required in order to facilitate such tests or examinations by contract entities referred to in paragraph (1),

reimburse the spouses and children concerned for the costs of such travel and of related lodging.”.

(e) **ENHANCED MONITORING OF PROGRAM.**—That section is further amended by inserting after subsection (i), as amended by subsection (d) of this section, the following new subsection (j):

“(j) **ENHANCED MONITORING OF PROGRAM.**—In order to enhance monitoring of the program under this section, the Secretary shall provide for monthly reports to the Central Office of the Department on activities with respect to the program by elements of the Department and contract entities under subsection (d).”.

**TITLE III—MISCELLANEOUS**

**SEC. 301. ASSESSMENT OF ESTABLISHMENT OF INDEPENDENT ENTITY TO EVALUATE POST-CONFLICT ILLNESSES AMONG MEMBERS OF THE ARMED FORCES AND HEALTH CARE PROVIDED BY DOD AND VA BEFORE AND AFTER DEPLOYMENT OF SUCH MEMBERS.**

(a) **AGREEMENT FOR ASSESSMENT.**—The Secretary of Veterans Affairs shall seek to enter into an agreement with the National Academy of Sciences, or other appropriate independent organization, under which agreement the Academy shall carry out the assessment referred to in subsection (b).

(b) **ASSESSMENT.**—(1) Under the agreement, the Academy shall assess the need for and feasibility of establishing an independent entity to—

(A) evaluate and monitor interagency coordination on issues relating to the post-deployment health concerns of members of the Armed Forces, including coordination relating to outreach and risk communication, recordkeeping, research, utilization of new technologies, international cooperation and research, health surveillance, and other health-related activities;

(B) evaluate the health care (including preventive care and responsive care) provided to members of the Armed Forces both before and after their deployment on military operations;

(C) monitor and direct government efforts to evaluate the health of members of the Armed Forces upon their return from deployment on military operations for purposes of ensuring the rapid identification of any trends in diseases or injuries among such members as a result of such operations;

(D) provide and direct the provision of ongoing training of health care personnel of the Department of Defense and the Department of Veterans Affairs in the evaluation and treatment of post-deployment diseases and health conditions, including nonspecific and unexplained illnesses; and

(E) make recommendations to the Department of Defense and the Department of Veterans Affairs regarding improvements in the provision of health care referred to in subparagraph (B), including improvements in the monitoring and treatment of members referred to in that subparagraph.

(2) The assessment shall cover the health care provided by the Department of Defense and, where applicable, by the Department of Veterans Affairs.

(c) **REPORT.**—(1) The agreement shall require the Academy to submit to the committees referred to in paragraph (3) a report on the results of the assessment under this section not later than one year after the date of enactment of this Act.

(2) The report shall include the following:

(A) The recommendation of the Academy as to the need for and feasibility of establishing an independent entity as described in subsection (b) and a justification of such recommendation.

(B) If the Academy recommends that an entity be established, the recommendations of the Academy as to—

(i) the organizational placement of the entity;

(ii) the personnel and other resources to be allocated to the entity;

(iii) the scope and nature of the activities and responsibilities of the entity; and

(iv) mechanisms for ensuring that any recommendations of the entity are carried out by the Department of Defense and the Department of Veterans Affairs.

(3) The report shall be submitted to the following:

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

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

Mr. SPECTER. Mr. President, I am very pleased to join my colleagues Senator BYRD and Senator ROCKEFELLER who have worked so carefully in crafting this legislation, the Persian Gulf War Veterans Act of 1998. Thus, I am pleased to be an original co-sponsor on this bill.

This is a major piece of legislation on behalf of a very important group of veterans. For too long, many Gulf War veterans unsuccessfully have sought promised assistance from our government for the troubling and unexplained health problems they have suffered since they returned home from the Gulf War conflict seven years ago. This bill will fill important gaps in the current health care services and compensation benefits actually being provided to these veterans. It will advance efforts to determine what happened to these veterans during their deployment that may have affected their current health. It also provides a mechanism for an independent scientific entity—the National Academy of Sciences—to identify on a scientific basis linkages between toxic substances to which Gulf War veterans were exposed during their deployment and the illnesses that many now suffer, and for the Secretary of Veterans Affairs to issue regulations based on the NAS's findings creating presumptions of service connection for health care and benefits purposes for Gulf War veterans.

This bill is the latest in a series of laws we have passed in recognition of the deep debt we owe those brave men and women who answered their country's call and put their lives on the line on behalf of us all during the Gulf War. Although that war ended quickly with relatively few immediate casualties, the long term impact of that deployment—which had as a daily reality the very real threat that Iraq would use chemical or biological weapons—was immense and unanticipated. The casualties now are those Gulf War veterans who, several years after the war, have a variety of symptoms and illnesses that fall into no set pattern but for which they still cannot get effective help from our government. This is, unfortunately, particularly true at the Department of Veterans Affairs, which has as its mission the care for and com-

penensation of veterans who fall ill as a result of their military service, and is why this bill focuses on directing the VA to take steps to remedy the situation that many Gulf War veterans find themselves in. It is clear that many Gulf War veterans are suffering from very real physical problems, many of which are still-evolving and the cause of which remains unclear. Effective treatments in many cases have yet to be identified, and even where treatment could be helpful it is not yet uniformly provided to all Gulf War veterans who seek it. And, individuals who develop health problems after their service in the Gulf continue to encounter significant problems in obtaining adequate and timely compensation benefits.

It is true that the Department of Veterans Affairs has instituted programs and made efforts to treat Gulf War veterans. But clearly, the current realization of those efforts is not worthy of what these veterans—who have been identified as a high priority group by VA itself—deserve. As I travel through my home state of Pennsylvania, I hear over and over again the heartbreaking stories of ill Gulf War veterans and their families, who are understandably frightened about their future health prospects and are frustrated by their attempts to get timely and effective health care assistance and compensation benefits. This bill should help remove some of the barriers to obtaining these services from the VA. It should also help shift to the government the burden that in the past has too often fallen on the veteran to demonstrate that he or she is ill and why. It does this by establishing a structured means for seeking potential positive associations between troop exposures to one or more environmental hazards in the Gulf region and the unexplained illnesses that many now face every day. It compels VA to not just treat these ill veterans in isolation and on an ad hoc basis but to monitor their health status over time, and requires more research and outreach programs to make sure every potentially useful area of research into treatment as well as causation is pursued, and that Gulf War veterans know how to obtain the VA's services that are provided on their behalf. It also enhances VA's authority to implement the program for examinations of the spouses and children of these veterans under a program that we established some years ago but that VA has utterly failed to implement in a truly effective way.

This is another opportunity for us to learn from the past and not repeat the delays or mistakes that were made in helping the veterans of previous conflicts who have suffered long term, adverse health consequences as a result of their military service. America's Gulf War veterans deserve no less.

By Mr. INHOFE (for himself, Mr. FAIRCLOTH, Mr. LUGAR, Mr. KERRY, Mr. BAUCUS, Mr. LAU-

TENBERG, Mr. WYDEN, Mr. GRAHAM, Mr. JEFFORDS, and Mr. DOMENICI):

S. 2359. A bill to amend the National Environmental Education Act to extend the programs under the Act, and for other purposes; to the Committee on Environment and Public Works.

NATIONAL ENVIRONMENTAL AMENDMENTS ACT  
OF 1998

• Mr. INHOFE. Mr. President, today I introduce legislation to reauthorize the National Environment Education Act. I am joined by my colleagues Senators FAIRCLOTH, LUGAR, KERRY, BAUCUS, LAUTENBERG, WYDEN, GRAHAM, JEFFORDS, and DOMENICI.

Over the last few years environmental education has been criticized for being one-sided and heavy-handed. People have accused environmental advocates of trying to brainwash children and of pushing an environmental agenda that is not supported by the facts or by science. They also accuse the Federal government of setting one curriculum standard and forcing all schools to subscribe to their views. This is not how these two environmental education programs have worked, and I have taken specific steps to ensure that they never work this way.

This legislation accomplishes two important functions. First, it cleans up the current law to make the programs run more efficiently. And second, it places two very important safeguards in the program to ensure its integrity in the future.

I have placed in this bill language to ensure that the EPA programs are "balanced and scientifically sound." It is important that environmental education is presented in an unbiased and balanced manner. The personal values and prejudices of the educators should not be instilled in our children. Instead we must teach them to think for themselves after they have been presented with all of the facts and information. Environmental ideas must be grounded in sound science and not emotional bias. While these programs have not been guilty of this in the past, this is an important safeguard to protect the future of environmental education.

Second, I have included language which prohibits any of the funds to be used for lobbying efforts. While these programs have not used the grant process to lobby the government, there are other programs which have been accused of this and this language will ensure that this program never becomes a vehicle for the executive branch to lobby Congress.

This is an important piece of legislation, and I hope both the Senate and the House can act quickly to reauthorize these programs.

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. 2359

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 "National Environmental Education Amendments Act of 1998".

**SEC. 2. OFFICE OF ENVIRONMENTAL EDUCATION.**

Section 4 of the National Environmental Education Act (20 U.S.C. 5503) is amended—

(1) in subsection (b)—  
(A) in paragraph (1) by inserting after "support" the following: "balanced and scientifically sound";

(B) by striking paragraph (6);

(C) by redesignating paragraphs (7) through (13) as paragraphs (6) through (12), respectively; and

(D) in paragraph (12) (as so redesignated), by inserting before the period the following: "through the headquarters and the regional offices of the Agency"; and

(2) by striking subsection (c) and inserting the following:

"(c) STAFF.—The Office of Environmental Education shall—

"(1) include a headquarters staff of not more than 10 full-time equivalent employees; and

"(2) be supported by 1 full-time equivalent employee in each Agency regional office.

"(d) ACTIVITIES.—The Administrator may carry out the activities specified in subsection (b) directly or through awards of grants, cooperative agreements, or contracts."

**SEC. 3. ENVIRONMENTAL EDUCATION GRANTS.**

Section 6 of the National Environmental Education Act (20 U.S.C. 5505) is amended—

(1) in the second sentence of subsection (i), by striking "25 percent" and inserting "15 percent"; and

(2) by adding at the end the following:

"(j) LOBBYING ACTIVITIES.—A grant under this section may not be used to support a lobbying activity (as described in the documents issued by the Office of Management and Budget and designated as OMB Circulars No. A-21 and No. A-122).

"(k) GUIDANCE REVIEW.—Before the Administrator issues any guidance to grant applicants, the guidance shall be reviewed and approved by the Science Advisory Board of the Agency."

**SEC. 4. ENVIRONMENTAL INTERNSHIPS AND FELLOWSHIPS.**

(a) IN GENERAL.—The National Environmental Education Act is amended—

(1) by striking section 7 (20 U.S.C. 5506); and

(2) by redesignating sections 8 through 11 (20 U.S.C. 5507 through 5510) as sections 7 through 10, respectively.

(b) CONFORMING AMENDMENTS.—The National Environmental Education Act is amended—

(1) in the table of contents in section 1(b) (20 U.S.C. prec. 5501)—

(A) by striking the item relating to section 7; and

(B) by redesignating the items relating to sections 8 through 11 as items relating to sections 7 through 10, respectively;

(2) in section 4(b) (20 U.S.C. 5503(b))—

(A) in paragraph (6) (as redesignated by section 2(1)(C)), by striking "section 8 of this Act" and inserting "section 7"; and

(B) in paragraph (7) (as so redesignated), by striking "section 9 of this Act" and inserting "section 8";

(3) in section 6(c)(3) (20 U.S.C. 5505(c)(3)), by striking "section 9(d) of this Act" and inserting "section 8(d)";

(4) in the matter preceding subsection (c)(3)(A) of section 9 (as redesignated by subsection (a)(2)), by striking "section 10(a) of this Act" and inserting "subsection (a)"; and

(5) in subsection (c)(2) of section 10 (as redesignated by subsection (a)(2)), by striking "section 10(d) of this Act" and inserting "section 9(d)".

**SEC. 5. NATIONAL EDUCATION AWARDS.**

Section 7 of the National Environmental Education Act (as redesignated by section 4(a)(2)) is amended to read as follows:

**"SEC. 7. NATIONAL EDUCATION AWARDS.**

"The Administrator may provide for awards to be known as the 'President's Environmental Youth Awards' to be given to young people in grades kindergarten through 12 for outstanding projects to promote local environmental awareness."

**SEC. 6. ENVIRONMENTAL EDUCATION ADVISORY COUNCIL AND TASK FORCE.**

Section 8 of the National Environmental Education Act (as redesignated by section 4(a)(2)) is amended—

(1) in subsection (b)(2), by striking the first and second sentences and inserting the following: "The Advisory Council shall consist of not more than 11 members appointed by the Administrator after consultation with the Secretary. To the extent practicable, the Administrator shall appoint to the Advisory Council at least 1 representative from each of the following sectors: primary and secondary education; colleges and universities; not-for-profit organizations involved in environmental education; State departments of education and natural resources; business and industry; and senior Americans.";

(2) in subsection (c), by striking paragraph (2) and inserting the following:

"(2) MEMBERSHIP.—Membership on the Task Force shall be open to representatives of any Federal agency actively engaged in environmental education."; and

(3) in subsection (d), by striking paragraph (1) and inserting the following:

"(1) BIENNIAL MEETINGS.—The Advisory Council shall hold a biennial meeting on timely issues regarding environmental education and issue a report and recommendations on the proceedings of the meeting."

**SEC. 7. NATIONAL ENVIRONMENTAL LEARNING FOUNDATION.**

(a) CHANGE IN NAME.—

(1) IN GENERAL.—The first sentence of subsection (a)(1)(A) of section 9 of the National Environmental Education Act (as redesignated by section 4(a)(2)) is amended by striking "National Environmental Education and Training Foundation" and inserting "National Environmental Learning Foundation".

(2) CONFORMING AMENDMENTS.—The National Environmental Education Act (20 U.S.C. 5501 et seq.) is amended—

(A) in the item relating to section 9 (as redesignated by section 4(b)(1)(B)) of the table of contents in section 1(b) (20 U.S.C. prec. 5501), by striking "National Environmental Education and Training Foundation" and inserting "National Environmental Learning Foundation";

(B) in section 3 (20 U.S.C. 5502)—

(i) by striking paragraph (12) and inserting the following:

"(12) FOUNDATION.—'Foundation' means the National Environmental Learning Foundation" established by section 9; and"; and

(ii) in paragraph (13), by striking "National Environmental Education and Training Foundation" and inserting "National Environmental Learning Foundation";

(C) in the heading of section 9 (as redesignated by section 4(a)(2)), by striking "NATIONAL ENVIRONMENTAL EDUCATION AND TRAINING FOUNDATION" and inserting "NATIONAL ENVIRONMENTAL LEARNING FOUNDATION"; and

(D) in subsection (c) of section 10 (as redesignated by section 4(a)(2)), by striking "National Environmental Education and Train-

ing Foundation" and inserting "National Environmental Learning Foundation".

(b) BOARD OF DIRECTORS; NUMBER OF DIRECTORS.—The first sentence of subsection (b)(1)(A) of section 9 of the National Environmental Education Act (as redesignated by section 4(a)(2)) is amended by striking "13" and inserting "19".

(c) ACKNOWLEDGMENT OF DONATIONS.—Section 9(d) of the National Environmental Education Act (as redesignated by section 4(a)(2)) is amended by striking paragraph (3) and inserting the following:

"(3) ACKNOWLEDGMENT OF DONORS.—The Foundation may acknowledge receipt of donations by means of a listing of the names of donors in materials distributed by the Foundation, but any such acknowledgment—

"(A) shall not appear in educational material to be presented to students; and

"(B) shall not identify a donor by means of a logo, letterhead, or other corporate commercial symbol, slogan, or product."

**SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

Section 10 of the National Environmental Education Act (as redesignated by section 4(a)(2)) is amended by striking subsections (a) and (b) and inserting the following:

"(a) IN GENERAL.—There are authorized to be appropriated to the Environmental Protection Agency to carry out this Act \$10,000,000 for each of fiscal years 1999 through 2004.

"(b) LIMITATIONS.—

"(1) IN GENERAL.—Subject to paragraph (2), of the amounts appropriated under subsection (a) for a fiscal year—

"(A) not more than 25 percent may be used for the activities of the Office of Environmental Education;

"(B) not more than 25 percent may be used for the operation of the environmental education and training program;

"(C) not less than 40 percent shall be used for environmental education grants; and

"(D) 10 percent shall be used for the National Environmental Learning Foundation.

"(2) ADMINISTRATIVE EXPENSES.—Of the amounts made available under paragraph (1) for a fiscal year for the activities of the Office of Environmental Education, not more than 25 percent may be used for administrative expenses.

"(c) EXPENSE REPORT.—As soon as practicable after the end of each fiscal year, the Administrator shall submit to Congress a report stating in detail the items on which funds appropriated for the fiscal year were expended."

**SEC. 9. EFFECTIVE DATE.**

The amendments made by this Act shall take effect as of the later of—

(1) October 1, 1998; or

(2) the date of enactment of this Act. •

By Ms. SNOWE (for herself and Mr. FRIST):

S. 2360. A bill to authorize appropriations for the National Oceanic and Atmospheric Administration for Fiscal Years 1999, 2000, and 2001, and for other purposes; to the Committee on Commerce, Science, and Transportation.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION AUTHORIZATION ACT OF 1998

• Ms. SNOWE. Mr. President, today I am introducing the National Oceanic and Atmospheric Administration Authorization Act of 1998. This legislation authorizes appropriations for NOAA research, operations, and other activities, reforms the operation of NOAA's hydrographic activities, authorizes continuation of the NOAA Corps, requires the development of a revised

NOAA fleet modernization plan, and makes administrative changes related to NOAA.

Mr. President, I consider NOAA to be one of the most important agencies of the Federal government. It manages and conserves living marine resources; explores, maps, and charts the ocean and its resources; describes, monitors, and predicts conditions in the atmosphere, ocean, and space environments; and issue whether forecasts and warnings, among other missions.

Certain specific NOAA activities are authorized through individual statutes such as the Coastal Zone Management Act, the Magnuson-Stevens Fishery Conservation and Management Act, the National Sea Grant College Program Act, and the Marine Protection, Research, and Sanctuaries Act. But many NOAA activities are conducted pursuant to longstanding general authorizations, and the specific details of these programs are determined administratively.

Congress last enacted a general NOAA authorization in 1992 (Public Law 102-567). The National Oceanic and Atmospheric Administration Authorization Act of 1992 authorized funding for NOAA programs through FY 1993. As Chair of the Subcommittee on Oceans and Fisheries of the Commerce Committee, I think it is time for the Congress to pass an updated authorization for these NOAA programs.

My bill authorizes funding in various accounts in fiscal years 1999 through 2001 for the National Ocean Service, the National Weather Service, the National Environmental Satellite Data and Information Service, the Office of Ocean and Atmospheric Research, the National Marine Fisheries Service, Program Support, Facilities, and Fleet Maintenance and Planning.

Mr. President, the Congress should make a concerted effort to reauthorize NOAA's programs. This legislation will accomplish that objective and I would urge my colleagues to support it. •

By Mr. INHOFE (for himself and Mr. GRAHAM):

S. 2361. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize programs for predisaster mitigation, to streamline the administration of disaster relief, to control the Federal costs of disaster assistance, and for other purposes; to the Committee on Environment and Public Works.

THE DISASTER MITIGATION ACT OF 1998

• Mr. INHOFE. Mr. President, today I introduce legislation to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act. I am introducing this legislation as the chairman of the subcommittee with jurisdiction over FEMA, the Clean Air, Wetlands, Private Property, and Nuclear Safety Subcommittee. I am joined today by my ranking member, Senator GRAHAM, who has worked closely with me in drafting this legislation. It is our intention to move swiftly through the

committee process with the prospect of floor action this fall.

This bill has two main titles. The first authorizes the Predisaster Hazard Mitigation Program. This program helps communities plan for disasters before they strike which will reduce the post hazard costs associated with disasters. The second title provides a number of streamlining and cost reduction measures which will help bring into line the funds Congress ends up appropriating through supplemental budgets every time we have a major disaster.

I would like to spend a few minutes discussing two key provisions in the Predisaster Mitigation Program that I believe are very important. They relate to the Project Impact Program which was thoroughly discussed in our recent Subcommittee hearing.

Project Impact is an innovative program where FEMA is working with local communities to help them prepare for disasters. It began last year with seven pilots and was expanded this year to include one Project Impact community in every State.

Our Bill authorizes funding for the program for five years, with a sunset at the end of the five years. Based on the costs of the first 50 pilots, the funds authorized will pay for an additional 300 communities. I expect FEMA to work on how best to devolve this program to the local communities over the next five years. If this program is going to be successful then it must evolve into a State and locally run program.

Some may question why a sunset for a program like this is necessary, so let me explain. In the legislation we require the GAO to conduct a study of the program and report back to the Congress in three years. We also ask FEMA to report back on the success of the program. It is my intent that these reports make specific recommendations for the next phase of Project Impact. The House legislation only authorizes Project Impact for three years, I felt it was necessary to authorize the program for five years which will give Congress plenty of time to authorize the next phase of Project Impact.

This program cannot be another Federal bureaucratic program that continues to mushroom without clear direction and with escalating costs. At this point no one has enough experience to predict how this program should look in five years. As FEMA says, this is not just another big government program, and Congress should not treat it as one. 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. 2361

*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 "Disaster Mitigation Act of 1998".

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

Sec. 1. Short title; table of contents.

**TITLE I—PREDISASTER HAZARD MITIGATION**

Sec. 101. Findings and purpose.  
Sec. 102. State mitigation program.  
Sec. 103. Disaster assistance plans.  
Sec. 104. Predisaster hazard mitigation.  
Sec. 105. Study regarding predisaster hazard mitigation.  
Sec. 106. Interagency task force.  
Sec. 107. Maximum contribution for mitigation costs.  
Sec. 108. Conforming amendment.

**TITLE II—STREAMLINING AND COST REDUCTION**

Sec. 201. Management costs.  
Sec. 202. Assistance to repair, restore, reconstruct, or replace damaged facilities.  
Sec. 203. Federal assistance to individuals and households.  
Sec. 204. Repeals.  
Sec. 205. State administration of hazard mitigation assistance program.  
Sec. 206. Streamlining of damaged facilities program.  
Sec. 207. Study regarding cost reduction.  
Sec. 208. Study regarding disaster insurance for public infrastructure.  
Sec. 209. Study regarding declarations.

**TITLE III—MISCELLANEOUS**

Sec. 301. Technical correction of short title.  
Sec. 302. Definition of State.

**TITLE I—PREDISASTER HAZARD MITIGATION**

**SEC. 101. FINDINGS AND PURPOSE.**

(a) FINDINGS.—Congress finds that—  
(1) greater emphasis needs to be placed on identifying and assessing the risks to States and local communities and implementing adequate measures to reduce losses from natural disasters and to ensure that critical facilities and public infrastructure will continue to function after a disaster;  
(2) expenditures for post-disaster assistance are increasing without commensurate reduction in the likelihood of future losses from natural disasters;  
(3) a high priority in the expenditure of Federal funds under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) should be to implement predisaster activities at the local level; and  
(4) with a unified effort of economic incentives, awareness and education, technical assistance, and demonstrated Federal support, States and local communities will be able to increase their capabilities to—

(A) form effective community-based partnerships for mitigation purposes;  
(B) implement effective natural disaster mitigation measures that reduce the risk of future damage, hardship, and suffering;  
(C) ensure continued functioning of critical facilities and public infrastructure;  
(D) leverage additional non-Federal resources into meeting disaster resistance goals; and  
(E) make commitments to long-term disaster mitigation efforts for new and existing structures.

(b) PURPOSE.—The purpose of this title is to establish a predisaster hazard mitigation program that—

(1) reduces the loss of life and property, human suffering, economic disruption, and disaster assistance costs resulting from natural hazards; and  
(2) provides a source of predisaster hazard mitigation funding that will assist States and local governments in implementing effective mitigation measures that are designed to ensure the continued functioning

of critical facilities and public infrastructure after a natural disaster.

**SEC. 102. STATE MITIGATION PROGRAM.**

Section 201(c) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5131(c)) is amended in the third sentence—

(1) in paragraph (1), by striking “and” at the end;

(2) in paragraph (2), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(3) set forth, with the ongoing cooperation of local governments and consistent with section 409, a comprehensive and detailed State program for mitigating emergencies and major disasters, including provisions for prioritizing mitigation measures.”.

**SEC. 103. DISASTER ASSISTANCE PLANS.**

Section 201 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5131) is amended by striking subsection (d) and inserting the following:

“(d) GRANTS FOR DISASTER ASSISTANCE AND HAZARD IDENTIFICATION.—The President may make grants for—

“(1) not to exceed 50 percent of the cost of improving, maintaining, and updating State disaster assistance plans, including, consistent with section 409, evaluation of natural hazards and development of the programs and actions required to mitigate natural hazards; and

“(2) not to exceed 50 percent of the cost of testing and application of emerging hazard identification technologies, such as improved floodplain mapping technologies that—

“(A) can be used by and in cooperation with State and local governments; and

“(B) the President determines will likely result in substantial cost savings as compared to current hazard identification methods.”.

**SEC. 104. PREDISASTER HAZARD MITIGATION.**

(a) IN GENERAL.—Title II of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5131 et seq.) is amended by adding at the end the following:

**“SEC. 203. PREDISASTER HAZARD MITIGATION.**

“(a) DEFINITION OF SMALL IMPOVERISHED COMMUNITY.—In this section, the term ‘small impoverished community’ means a community of 10,000 or fewer individuals who are economically disadvantaged, as determined by the State in which the community is located and based on criteria established by the President.

“(b) GENERAL AUTHORITY.—The President may establish a program to provide financial assistance to States, local governments, and other entities for the purpose of carrying out predisaster hazard mitigation activities that exhibit long-term, cost-effective benefits and substantially reduce the risk of future damage, hardship, or suffering from a major disaster.

“(c) PURPOSE OF ASSISTANCE.—A State, local government, or other entity that receives financial assistance under this section shall use the assistance for funding activities that exhibit long-term, cost-effective benefits and substantially reduce the risk of future damage, hardship, or suffering from a major disaster.

“(d) ALLOCATION OF FUNDS.—Financial assistance made available to a State, including financial assistance made available to local governments of the State, under this section for a fiscal year shall—

“(1) be in an amount that is not less than the lesser of \$500,000 or 1.0 percent of the total funds appropriated to carry out this section for the fiscal year;

“(2) be in an amount that does not exceed 15 percent of the total funds appropriated to carry out this section for the fiscal year; and

“(3) be provided for projects that meet the criteria specified in subsection (e).

“(e) CRITERIA.—Subject to subsections (d) and (f), in determining whether to provide assistance to a State, local government, or other entity under this section and the amount of the assistance, the President shall consider the following criteria:

“(1) The likelihood of a natural disaster increasing the risk of future damage to a community.

“(2) The clear identification of prioritized cost-effective mitigation activities that produce meaningful and definable outcomes.

“(3) If the State has submitted a mitigation program in cooperation with local governments under section 201(c)(3), the degree to which the activities identified under paragraph (2) are consistent with the State mitigation program.

“(4) The opportunity to fund activities that maximize net benefits to society.

“(5) The ability of the State, local government, or other entity to fund mitigation activities, with additional consideration for mitigation activities in small impoverished communities.

“(6) The level of interest by the private sector to enter into a partnership to promote mitigation.

“(7) Such other criteria as the President establishes in consultation and coordination with State and local governments.

“(f) STATE NOMINATIONS.—

“(1) IN GENERAL.—

“(A) RECOMMENDATIONS BY GOVERNOR.—The Governor of each State may recommend to the President not fewer than 5 local governments or other entities to receive assistance under this section.

“(B) SUBMISSIONS TO PRESIDENT.—The recommendations shall be submitted to the President not later than January 1 of calendar year 1999 and each calendar year thereafter or such later date in the calendar year as the President may establish.

“(C) CRITERIA FOR RECOMMENDATIONS.—In making the recommendations, each Governor shall consider the criteria specified in subsection (e).

“(2) USE.—

“(A) IN GENERAL.—In providing assistance to local governments and other entities under this section, the President shall select from among the local governments and other entities recommended by the Governors under this subsection.

“(B) SELECTION OF ADDITIONAL ENTITIES.—On the request of a local government, the President may select additional entities if the President determines that special circumstances justify the additional selection and the selection will meet the criteria specified in subsection (e).

“(3) EFFECT OF FAILURE TO NOMINATE.—If a Governor of a State fails to submit recommendations under this subsection in a timely manner, the President may select, subject to the criteria specified in subsection (e), any local governments or other entities of the State to receive assistance under this section.

“(g) FEDERAL SHARE.—The Federal share of the cost of mitigation activities approved by the President for financial assistance under this section shall be—

“(1) except as provided in paragraph (2), up to 75 percent; and

“(2) in the case of mitigation activities in small impoverished communities, up to 90 percent.

“(h) LOCAL GOVERNMENTS.—In carrying out this section, the President and States shall—

“(1) consult with local governments for the purpose of developing a list of appropriate activities for predisaster hazard mitigation funding; and

“(2) delegate to the local governments the decision to select specific activities from the list developed under paragraph (1).

“(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$35,000,000 for each of fiscal years 1998 through 2002.

“(j) AUTHORIZATION OF SECTION 404 FUNDS.—In addition to amounts appropriated under subsection (i), the President, in consultation and coordination with State and local governments, may use to carry out this section funds that are appropriated to carry out section 404 for post-disaster mitigation activities that have not been obligated within 30 months after the disaster declaration on which the funding availability is based.

“(k) TERMINATION OF EFFECTIVENESS.—The authority provided by this section terminates effective October 1, 2003.”.

(b) REPORT ON FEDERAL AND STATE ADMINISTRATION.—Not later than 18 months after the date of enactment of this Act, the President, in consultation and coordination with State and local governments, shall submit to Congress a report evaluating efforts to implement this section and recommending a process for the future administration of the program, including—

(1) the appropriateness of transferring to State and local governments greater authority and responsibility for administering the assistance program authorized by section 203 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (as added by subsection (a)); and

(2) consideration of private sector initiatives for predisaster mitigation to supplement the activities of the President and the Federal Emergency Management Agency.

**SEC. 105. STUDY REGARDING PREDISASTER HAZARD MITIGATION.**

(a) STUDY.—The Comptroller General of the United States shall conduct a study to—

(1) examine the effectiveness of the predisaster hazard mitigation program authorized by section 203 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (as added by section 104(a)), including a review of the goals and objectives of the program;

(2) determine if the expenditures under the program are warranted in terms of mitigation, disaster avoidance, and dollars saved; and

(3) develop recommendations concerning the appropriate selection of sites and activities conducted with respect to predisaster mitigation.

(b) REPORT.—Not later than 3 years after the date of enactment of this Act, the Comptroller General shall submit to Congress a report on the results of the study.

**SEC. 106. INTERAGENCY TASK FORCE.**

(a) IN GENERAL.—The President shall establish an interagency task force for the purpose of coordinating the implementation of predisaster hazard mitigation programs administered by the Federal Government.

(b) CHAIRPERSON.—The Director of the Federal Emergency Management Agency shall serve as the chairperson of the task force.

(c) MEMBERSHIP.—The membership of the task force shall include representatives of State and local government organizations.

**SEC. 107. MAXIMUM CONTRIBUTION FOR MITIGATION COSTS.**

(a) IN GENERAL.—Section 404(a) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c(a)) is amended in the last sentence by striking “15 percent” and inserting “20 percent”.

(b) APPLICABILITY.—The amendment made by subsection (a) shall apply to each major disaster declared under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) after March 1, 1997.

**SEC. 108. CONFORMING AMENDMENT.**

Title II of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5131 et seq.) is amended by striking the title heading and inserting the following:

**"TITLE II—DISASTER PREPAREDNESS AND MITIGATION ASSISTANCE".****TITLE II—STREAMLINING AND COST REDUCTION****SEC. 201. MANAGEMENT COSTS.**

(a) IN GENERAL.—Title III of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5141 et seq.) is amended by adding at the end the following:

**"SEC. 322. MANAGEMENT COSTS.**

"(a) DEFINITION OF MANAGEMENT COST.—In this section, the term 'management cost' includes any indirect cost, administrative expense, and any other expense not directly chargeable to a specific project under a major disaster, emergency, or emergency preparedness activity or measure.

"(b) MANAGEMENT COST RATES.—Notwithstanding any other provision of law (including any administrative rule or guidance), the President shall establish management cost rates for grantees and subgrantees that shall be used to determine contributions under this Act for management costs.

"(c) REVIEW.—The President shall review the management cost rates established under subsection (a) not later than 3 years after the date of establishment of the rates and periodically thereafter.

"(d) REGULATIONS.—The President shall promulgate a regulation to define appropriate costs to be included in management costs under this section."

(b) APPLICABILITY.—Section 322 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (as added by subsection (a)) shall apply as follows:

(1) IN GENERAL.—Subsections (a), (b), and (d) of section 322 of that Act shall apply to each major disaster declared under that Act on or after the date of enactment of this Act. Until the date on which the President establishes the management cost rates under that subsection, section 406(f) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172(f)) shall be used for establishing the rates.

(2) REVIEW; OTHER EXPENSES.—Section 322(c) of that Act shall apply to each major disaster declared under that Act on or after the date on which the President establishes the management cost rates under that section.

**SEC. 202. ASSISTANCE TO REPAIR, RESTORE, RECONSTRUCT, OR REPLACE DAMAGED FACILITIES.**

(a) CONTRIBUTIONS AND FEDERAL SHARE.—Section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172) is amended by striking subsections (a) through (c) and inserting the following:

"(a) CONTRIBUTIONS.—

"(1) IN GENERAL.—The President may make contributions—

"(A) to a State or local government for the repair, restoration, reconstruction, or replacement of a public facility that is damaged or destroyed by a major disaster and for management costs incurred by the government; and

"(B) to a person that owns or operates a private nonprofit facility damaged or destroyed by a major disaster for the repair, restoration, reconstruction, or replacement of the facility and for management costs incurred by the person.

"(2) CONDITIONS FOR ASSISTANCE TO PRIVATE NONPROFIT FACILITIES.—The President may make contributions to a private nonprofit facility under paragraph (1)(B) only if the owner or operator of the facility—

"(A) has applied for a disaster loan under section 7(b) of the Small Business Act (15 U.S.C. 636(b)); and

"(B)(i) has been determined to be ineligible for such a loan; or

"(ii) has obtained the maximum amount of such a loan for which the Small Business Administration determines that the facility is eligible.

"(b) MINIMUM FEDERAL SHARE.—The Federal share of assistance under this section shall be not less than 75 percent of the eligible cost of repair, restoration, reconstruction, or replacement carried out under this section.

"(c) LARGE IN-LIEU CONTRIBUTIONS.—

"(1) FOR PUBLIC FACILITIES.—

"(A) IN GENERAL.—In any case in which a State or local government determines that the public welfare would not be best served by repairing, restoring, reconstructing, or replacing any public facility owned or controlled by the State or local government, the State or local government may elect to receive, in lieu of a contribution under subsection (a)(1)(A), a contribution in an amount equal to 75 percent of the Federal share of the cost of repairing, restoring, reconstructing, or replacing the facility and of management costs, as estimated by the President.

"(B) USE OF FUNDS.—Funds made available to a State or local government under this paragraph may be used to repair, restore, or expand other eligible public facilities, to construct new facilities, or to fund hazard mitigation measures, that the State or local government determines to be necessary to meet a need for governmental services and functions in the area affected by the major disaster.

"(2) FOR PRIVATE NONPROFIT FACILITIES.—

"(A) IN GENERAL.—In any case in which a person that owns or operates a private nonprofit facility determines that the public welfare would not be best served by repairing, restoring, reconstructing, or replacing the facility, the person may elect to receive, in lieu of a contribution under subsection (a)(1)(B), a contribution in an amount equal to 75 percent of the Federal share of the cost of repairing, restoring, reconstructing, or replacing the facility and of management costs, as estimated by the President.

"(B) USE OF FUNDS.—Funds made available to a person under this paragraph may be used to repair, restore, or expand other eligible private nonprofit facilities owned or operated by the person, to construct new private nonprofit facilities to be owned or operated by the person, or to fund hazard mitigation measures, that the person determines to be necessary to meet a need for its services and functions in the area affected by the major disaster.

"(3) MODIFICATION OF FEDERAL SHARE TO ENCOURAGE USE OF FUNDS FOR MITIGATION ACTIVITIES.—

"(A) IN GENERAL.—Subject to subparagraph (B), the President shall modify the Federal share of the cost estimate provided in paragraphs (1) and (2) with respect to a large in-lieu contribution if the President determines that the large in-lieu contribution will be used for mitigation activities consistent with the State plan under section 201(c).

"(B) LIMITATION.—Under subparagraph (A), the Federal share for the purposes of paragraphs (1) and (2) shall not exceed 90 percent of the amount described in paragraph (1)(A) or (2)(A)."

(b) ELIGIBLE COST.—

(1) IN GENERAL.—Section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172) is amended by striking subsection (e) and inserting the following:

"(e) ELIGIBLE COST.—

"(1) DETERMINATION.—

"(A) IN GENERAL.—For the purposes of this section, the President shall estimate the eligible cost of repairing, restoring, reconstructing, or replacing a public facility or private nonprofit facility—

"(i) on the basis of the design of the facility as the facility existed immediately before the major disaster; and

"(ii) in conformity with current applicable codes, specifications, and standards (including floodplain management and hazard mitigation criteria required by the President or under the Coastal Barrier Resources Act (16 U.S.C. 3501 et seq.)).

"(B) COST ESTIMATION PROCEDURES.—Subject to paragraph (2), the President shall use the cost estimation procedures developed under paragraph (3) to make the estimate under subparagraph (A).

"(2) MODIFICATION OF ELIGIBLE COST.—If the actual cost of repairing, restoring, reconstructing, or replacing a facility under this section is more than 120 percent or less than 80 percent of the cost estimated under paragraph (1), the President may determine that the eligible cost shall be the actual cost of the repair, restoration, reconstruction, or replacement.

"(3) EXPERT PANEL.—Not later than 18 months after the date of enactment of this paragraph, the President, acting through the Director of the Federal Emergency Management Agency, shall establish an expert panel, which shall include representatives from the construction industry, to develop procedures for estimating the cost of repairing, restoring, reconstructing, or replacing a facility consistent with industry practices.

"(4) SPECIAL RULE.—In any case in which the facility being repaired, restored, reconstructed, or replaced under this section was under construction on the date of the major disaster, the cost of repairing, restoring, reconstructing, or replacing the facility shall include, for the purposes of this section, only those costs that, under the contract for the construction, are the owner's responsibility and not the contractor's responsibility."

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date of enactment of this Act, except that paragraph (1) of section 406(e) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (as amended by paragraph (1)) shall take effect on the date on which the procedures developed under paragraph (3) of that section take effect.

(c) ASSOCIATED EXPENSES.—

(1) IN GENERAL.—Section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172) is amended by striking subsection (f).

(2) OTHER ELIGIBLE COSTS.—Section 406(e) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172(e)) (as amended by subsection (b)) is amended by adding at the end the following:

"(5) OTHER ELIGIBLE COSTS.—For purposes of this section, the eligible cost of repairing, restoring, reconstructing, or replacing a public facility or private nonprofit facility includes the following:

"(A) COSTS OF NATIONAL GUARD.—The cost of mobilizing and employing the National Guard for performance of eligible work.

"(B) COSTS OF PRISON LABOR.—The costs of using prison labor to perform eligible work, including wages actually paid, transportation to a worksite, and extraordinary costs of guards, food, and lodging.

"(C) OTHER LABOR COSTS.—Base and overtime wages for an applicant's employees and extra hires performing eligible work plus fringe benefits on the wages to the extent that the benefits were being paid before the major disaster."

(3) EFFECTIVE DATE.—The amendments made by this subsection shall—

(A) take effect on the date on which the President establishes management cost rates under section 322 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (as added by section 201(a)); and

(B) apply only to a major disaster declared by the President under that Act on or after the date on which the President establishes the management cost rates.

**SEC. 203. FEDERAL ASSISTANCE TO INDIVIDUALS AND HOUSEHOLDS.**

(a) IN GENERAL.—Section 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174) is amended to read as follows:

**“SEC. 408. FEDERAL ASSISTANCE TO INDIVIDUALS AND HOUSEHOLDS.**

“(a) GENERAL AUTHORITY.—In accordance with this section, the President, in consultation and coordination with the Governor of an affected State, may provide financial assistance, and, if necessary, direct services, to disaster victims who—

“(1) as a direct result of a major disaster have necessary expenses and serious needs; and

“(2) are unable to meet the necessary expenses and serious needs through other means, including insurance proceeds or loan assistance from the Small Business Administration.

“(b) HOUSING ASSISTANCE.—

“(1) ELIGIBILITY.—The President may provide financial or other assistance under this section to individuals and families to respond to the disaster-related housing needs of individuals and families who are displaced from their predisaster primary residences or whose predisaster primary residences are rendered uninhabitable as a result of damage caused by a major disaster.

“(2) DETERMINATION OF APPROPRIATE TYPES OF ASSISTANCE.—The President shall determine appropriate types of housing assistance to be provided to disaster victims under this section based on considerations of cost effectiveness, convenience to disaster victims, and such other factors as the President considers to be appropriate. One or more types of housing assistance may be made available, based on the suitability and availability of the types of assistance, to meet the needs of disaster victims in a particular disaster situation.

“(c) TYPES OF HOUSING ASSISTANCE.—

“(1) TEMPORARY HOUSING.—

“(A) FINANCIAL ASSISTANCE.—

“(i) IN GENERAL.—The President may provide financial assistance under this section to individuals or households to rent alternate housing accommodations, existing rental units, manufactured housing, recreational vehicles, or other readily fabricated dwellings.

“(ii) AMOUNT.—The amount of assistance under clause (i) shall be based on the sum of—

“(I) the fair market rent for the accommodation being provided; and

“(II) the cost of any transportation, utility hookups, or unit installation not being directly provided by the President.

“(B) DIRECT ASSISTANCE.—

“(i) IN GENERAL.—The President may directly provide under this section housing units, acquired by purchase or lease, to individuals or households who, because of a lack of available housing resources, would be unable to make use of the assistance provided under subparagraph (A).

“(ii) PERIOD OF ASSISTANCE.—

“(1) IN GENERAL.—Subject to subclause (II), the President may not provide direct assistance under clause (i) with respect to a major disaster after the expiration of the 18-month

period beginning on the date of the declaration of the major disaster by the President.

“(II) EXTENSION OF PERIOD.—The President may extend the period under subclause (I) if the President determines that due to extraordinary circumstances an extension would be in the public interest.

“(iii) COLLECTION OF RENTAL CHARGES.—After the expiration of the 18-month period referred to in clause (ii), the President may charge fair market rent for the accommodation being provided.

“(2) REPAIRS.—

“(A) IN GENERAL.—The President may provide financial assistance for the repair of owner-occupied primary residences, utilities, and residential infrastructure (such as private access routes) damaged by a major disaster to a habitable or functioning condition.

“(B) EMERGENCY REPAIRS.—To be eligible to receive assistance under subparagraph (A), a recipient shall not be required to demonstrate that the recipient is unable to meet the need for the assistance through other means, except insurance proceeds, if the assistance—

“(i) is used for emergency repairs to make a private primary residence habitable; and

“(ii) does not exceed \$5,000, as adjusted annually to reflect changes in the Consumer Price Index as reported by the Bureau of Labor Statistics of the Department of Labor.

“(3) PERMANENT HOUSING CONSTRUCTION.—The President may provide financial assistance or direct assistance under this section to individuals or households to construct permanent housing in insular areas outside the continental United States and other remote locations in cases in which—

“(A) no alternative housing resources are available; and

“(B) the types of temporary housing assistance described in paragraph (1) are unavailable, infeasible, or not cost effective.

“(d) TERMS AND CONDITIONS RELATING TO HOUSING ASSISTANCE.—

“(1) SITES.—

“(A) IN GENERAL.—Any readily fabricated dwelling provided under this section shall, whenever practicable, be located on a site that—

“(i) is provided by the State or local government; and

“(ii) is complete with utilities provided by the State or local government, by the owner of the site, or by the occupant who was displaced by the major disaster.

“(B) SITES PROVIDED BY THE PRESIDENT.—Readily fabricated dwellings may be located on sites provided by the President if the President determines that the sites would be more economical or accessible.

“(2) DISPOSAL OF UNITS.—

“(A) SALE TO OCCUPANTS.—

“(i) IN GENERAL.—Notwithstanding any other provision of law, a temporary housing unit purchased under this section by the President for the purpose of housing disaster victims may be sold directly to the individual or household who is occupying the unit if the individual or household needs permanent housing.

“(ii) SALES PRICE.—Sales of temporary housing units under clause (i) shall be accomplished at prices that are fair and equitable.

“(iii) DEPOSIT OF PROCEEDS.—Notwithstanding any other provision of law, the proceeds of a sale under clause (i) shall be deposited into the appropriate Disaster Relief Fund account.

“(iv) USE OF GSA SERVICES.—The President may use the services of the General Services Administration to accomplish a sale under clause (i).

“(B) OTHER METHODS OF DISPOSAL.—

“(i) SALE.—If not disposed of under subparagraph (A), a temporary housing unit

purchased by the President for the purpose of housing disaster victims may be resold.

“(ii) DISPOSAL TO GOVERNMENTS AND VOLUNTARY ORGANIZATIONS.—A temporary housing unit described in clause (i) may be sold, transferred, donated, or otherwise made available directly to a State or other governmental entity or to a voluntary organization for the sole purpose of providing temporary housing to disaster victims in major disasters and emergencies if, as a condition of the sale, transfer, donation, or otherwise making available, the State, other governmental agency, or voluntary organization agrees—

“(1) to comply with the nondiscrimination provisions of section 308; and

“(II) to obtain and maintain hazard and flood insurance on the housing unit.

“(e) FINANCIAL ASSISTANCE TO ADDRESS OTHER NEEDS.—

“(1) MEDICAL, DENTAL, AND FUNERAL EXPENSES.—The President, in consultation and coordination with the Governor of the affected State, may provide financial assistance under this section to an individual or household adversely affected by a major disaster to meet disaster-related medical, dental, and funeral expenses.

“(2) PERSONAL PROPERTY, TRANSPORTATION, AND OTHER EXPENSES.—The President, in consultation and coordination with the Governor of the affected State, may provide financial assistance under this section to an individual or household described in paragraph (1) to address personal property, transportation, and other necessary expenses or serious needs resulting from the major disaster.

“(f) STATE ROLE.—The President shall provide for the substantial and ongoing involvement of the affected State in administering assistance under this section.

“(g) MAXIMUM AMOUNT OF ASSISTANCE.—The maximum amount of financial assistance that an individual or household may receive under this section with respect to a single major disaster shall be \$25,000, as adjusted annually to reflect changes in the Consumer Price Index for all Urban Consumers published by the Department of Labor.

“(h) ISSUANCE OF REGULATIONS.—The President shall issue rules and regulations to carry out the program established by this section, including criteria, standards, and procedures for determining eligibility for assistance.”

(b) CONFORMING AMENDMENT.—Section 502(a)(6) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5192(a)(6)) is amended by striking “temporary housing”.

(c) REPEAL OF INDIVIDUAL AND FAMILY GRANT PROGRAMS.—Section 411 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5178) is repealed.

(d) EFFECTIVE DATE.—The amendments made by this section take effect 18 months after the date of enactment of this Act.

**SEC. 204. REPEALS.**

(a) COMMUNITY DISASTER LOANS.—Section 417 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5184) is repealed.

(b) SIMPLIFIED PROCEDURE.—Section 422 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5189) is repealed.

**SEC. 205. STATE ADMINISTRATION OF HAZARD MITIGATION ASSISTANCE PROGRAM.**

Section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c) is amended by adding at the end the following:

“(c) PROGRAM ADMINISTRATION BY STATES.—

“(1) IN GENERAL.—A State desiring to administer the hazard mitigation assistance

program established by this section with respect to hazard mitigation assistance in the State may submit to the President an application for the delegation of the authority.

"(2) CRITERIA.—The President, in consultation and coordination with States and local governments, shall establish criteria for the approval of applications submitted under paragraph (1). The criteria shall include, at a minimum—

"(A) the demonstrated ability of the State to manage the grant program under this section;

"(B) submission of the plan required under section 201(c); and

"(C) a demonstrated commitment to mitigation activities.

"(3) APPROVAL.—The President shall approve an application submitted under paragraph (1) that meets the criteria established under paragraph (2).

"(4) WITHDRAWAL OF APPROVAL.—If, after approving an application of a State submitted under paragraph (1), the President determines that the State is not administering the hazard mitigation assistance program established by this section in a manner satisfactory to the President, the President shall withdraw the approval.

"(5) AUDITS.—The President shall provide for periodic audits of the hazard mitigation assistance programs administered by States under this subsection."

#### SEC. 206. STREAMLINING OF DAMAGED FACILITIES PROGRAM.

(a) PILOT PROGRAM.—In consultation and coordination with States and local governments, the President shall conduct a pilot program for the purpose of streamlining the assistance program established by section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172).

(b) STATE PARTICIPATION.—

(1) CRITERIA.—The President, in consultation and coordination with States and local governments, may establish criteria to ensure the appropriate implementation of the pilot program under subsection (a).

(2) NUMBER OF STATES.—The President shall conduct the pilot program under subsection (a) in at least 2 States.

(c) REPORT.—Not later than 2 years after the date of enactment of this Act, the President shall submit to Congress a report that describes the results of the pilot program conducted under subsection (a), including identifying any administrative or financial benefits.

#### SEC. 207. STUDY REGARDING COST REDUCTION.

(a) STUDY.—The Comptroller General of the United States shall conduct a study to estimate the reduction in Federal disaster assistance that has resulted and is likely to result from the enactment of this Act.

(b) REPORT.—Not later than 3 years after the date of enactment of this Act, the Comptroller General shall submit to Congress a report on the results of the study.

#### SEC. 208. STUDY REGARDING DISASTER INSURANCE FOR PUBLIC INFRASTRUCTURE.

(a) STUDY.—The Comptroller General of the United States shall conduct a study to determine the current and future expected availability of disaster insurance for public infrastructure eligible for assistance under section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170).

(b) REPORT.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall submit to Congress a report on the results of the study.

#### SEC. 209. STUDY REGARDING DECLARATIONS.

(a) STUDY.—The Comptroller General of the United States shall conduct an analytical study that—

(1) examines major disasters and emergencies that have been declared under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) since January 1, 1974; and

(2) describes the criteria for making the declarations and how the criteria have changed over time.

(b) REPORT.—Not later than 3 years after the date of enactment of this Act, the Comptroller General shall submit to Congress a report on the results of the study.

### TITLE III—MISCELLANEOUS

#### SEC. 301. TECHNICAL CORRECTION OF SHORT TITLE.

The first section of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 note) is amended to read as follows:

##### "SECTION 1. SHORT TITLE.

"This Act may be cited as the 'Robert T. Stafford Disaster Relief and Emergency Assistance Act'."

#### SEC. 302. DEFINITION OF STATE.

Section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122) is amended in each of paragraphs (3) and (4) by striking "the Northern" and all that follows through "Pacific Islands" and inserting "and the Commonwealth of the Northern Mariana Islands".

• Mr. GRAHAM. Mr. President, today along with my distinguished colleague from Oklahoma, Senator INHOFE, I introduce the Disaster Mitigation Act of 1998, legislation that will refocus the energies of federal, state and local governments on disaster mitigation, and will shift our efforts to preventative—rather than responsive—actions as we ready the nation for future disasters.

Since the outset of this year, I have been working closely with Senator INHOFE to develop this bi-partisan legislation that will more comprehensively and efficiently address the threats we face from disasters of all types. The bill is composed of two titles: Title I seeks to reduce the impact of disasters by authorizing a "pre-disaster mitigation" program; Title II seeks to streamline the current disaster assistance programs to save administrative costs in addition to greatly simplifying these programs for the benefit of states, local communities, and individual disaster victims.

In addressing the challenges we face from the threat of disaster, I have found it very helpful to use a "doctor/patient" analogy to guide our efforts. First, we diagnosed the problem: over the last ten years, disasters have affected the nation with more frequency—and at a greater cost—than we have experienced in the past. In fact, over the last several years, the supplemental appropriations bills required to respond to disasters have been unusually large compared to the previous decade due to a series of unprecedented disasters including: Hurricanes Andrew and Iniki in 1992; the Midwest floods of 1993; the Northridge earthquake of 1994; and the Upper Midwest floods of 1997.

Second, we offered a prescription to address the problem: comprehensive pre-disaster mitigation. This bill will authorize a five-year pre-disaster mitigation program, funded at \$35 million

per year, to be administered by Federal Emergency Management Agency, or FEMA. The pre-disaster mitigation program will change the focus of our efforts, at all levels of government, to preventative—rather than responsive—actions in planning for disasters. Such a change in ideology is critical to reducing the short- and long-term costs of natural disasters. It will encourage both the public and the private sector, as well as individual citizens, to take responsibility for the threats they face by adopting the concept of disaster mitigation into their everyday lives. Just like energy conservation, recycling, and the widespread use of seat belts, disaster mitigation should become a concept that all citizens incorporate into their day-to-day lives.

Since 1993, under the leadership of Director James Lee Witt, FEMA has truly changed their way of doing business. In the past five years, FEMA has become more responsive to disaster victims and state and local governments, and has "reinvented" itself by choosing to focus its energy on mitigating, preparing for, responding to, and recovering from the effects of natural hazards. FEMA has already taken an important first step in advocating pre-disaster mitigation by establishing "Project Impact," their new mitigation initiative, in local communities throughout the nation. I am proud to say that Deerfield Beach, Florida, was the first community to be chosen as a participant in Project Impact. By authorizing the conduct of Project Impact for five years in the legislation, we are making a definitive endorsement of both the program and Director Witt's leadership, and we expect that the initiative will produce measurable results in reducing the costs of disaster in the future.

Mr. President, this legislation is the result of coordination and cooperation with FEMA, the National Association of Emergency Management, the National League of Cities, representatives of the private and voluntary sectors, and numerous other state and local governmental organizations. I wish to take this opportunity to thank all who provided important input into the development of this bill, and I am confident that our joint efforts have resulted in a truly comprehensive "diagnosis" of the problem, as well as a "prescription" to address it.

In his testimony before the Environment and Public Works Committee, Florida Director of Emergency Management Joe Myers called this legislation a "defining moment" in emergency management. I too believe that this legislation represents a historic change in the nation's efforts to prevent the effects of natural disasters. By taking proactive steps to implement mitigation now, we will reduce the damage, pain, and suffering from disaster that have become all too familiar. Mr. President, I urge my colleagues to support Senator INHOFE and myself by joining with us in our efforts to protect

the citizens of the U.S. from disasters now and in the future.●

#### ADDITIONAL COSPONSORS

S. 389

At the request of Mr. ABRAHAM, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 389, a bill to improve congressional deliberation on proposed Federal private sector mandates, and for other purposes.

S. 766

At the request of Ms. SNOWE, the name of the Senator from North Carolina (Mr. FAIRCLOTH) was added as a cosponsor of S. 766, a bill to require equitable coverage of prescription contraceptive drugs and devices, and contraceptive services under health plans.

S. 1220

At the request of Mr. DODD, the name of the Senator from New York (Mr. MOYNIHAN) was added as a cosponsor of S. 1220, a bill to provide a process for declassifying on an expedited basis certain documents relating to human rights abuses in Guatemala and Honduras.

S. 1391

At the request of Mr. DODD, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 1391, a bill to authorize the President to permit the sale and export of food, medicines, and medical equipment to Cuba.

S. 1529

At the request of Mr. KENNEDY, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1529, a bill to enhance Federal enforcement of hate crimes, and for other purposes.

S. 1759

At the request of Mr. HATCH, the names of the Senator from Hawaii (Mr. AKAKA) and the Senator from Indiana (Mr. COATS) were added as cosponsors of S. 1759, a bill to grant a Federal charter to the American GI Forum of the United States.

S. 1868

At the request of Mr. LIEBERMAN, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 1868, a bill to express United States foreign policy with respect to, and to strengthen United States advocacy on behalf of, individuals persecuted for their faith worldwide; to authorize United States actions in response to religious persecution worldwide; to establish an Ambassador at Large on International Religious Freedom within the Department of State, a Commission on International Religious Persecution, and a Special Adviser on International Religious Freedom within the National Security Council; and for other purposes.

S. 2017

At the request of Mr. D'AMATO, the names of the Senator from Washington (Mrs. MURRAY) and the Senator from

Rhode Island (Mr. REED) were added as cosponsors of S. 2017, a bill to amend title XIX of the Social Security Act to provide medical assistance for breast and cervical cancer-related treatment services to certain women screened and found to have breast or cervical cancer under a Federally funded screening program.

S. 2100

At the request of Mr. SPECTER, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 2100, a bill to amend the Higher Education Act of 1965 to increase public awareness concerning crime on college and university campuses.

S. 2128

At the request of Mr. STEVENS, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2128, a bill to clarify the authority of the Director of the Federal Bureau of Investigation regarding the collection of fees to process certain identification records and name checks, and for other purposes.

S. 2179

At the request of Ms. MOSELEY-BRAUN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2179, a bill to amend the International Emergency Economic Powers Act to clarify the conditions under which export controls may be imposed on agricultural products.

S. 2196

At the request of Mr. GORTON, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 2196, a bill to amend the Public Health Service Act to provide for establishment at the National Heart, Lung, and Blood Institute of a program regarding lifesaving interventions for individuals who experience cardiac arrest, and for other purposes.

S. 2235

At the request of Mr. CAMPBELL, the name of the Senator from North Carolina (Mr. FAIRCLOTH) was added as a cosponsor of S. 2235, a bill to amend part Q of the Omnibus Crime Control and Safe Streets Act of 1968 to encourage the use of school resource officers.

S. 2238

At the request of Mr. MCCAIN, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 2238, a bill to reform unfair and anticompetitive practices in the professional boxing industry.

S. 2295

At the request of Mr. MCCAIN, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 2295, a bill to amend the Older Americans Act of 1965 to extend the authorizations of appropriations for that Act, and for other purposes.

S. 2319

At the request of Mr. CHAFEE, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 2319, a bill to authorize the use of receipts from the sale of migratory bird

hunting and conservation stamps to promote additional stamp purchases.

S. 2323

At the request of Mr. GRASSLEY, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. 2323, a bill to amend title XVIII of the Social Security Act to preserve access to home health services under the medicare program.

SENATE CONCURRENT RESOLUTION 110—HONORING THE MEMORY OF DETECTIVE JOHN MICHAEL GIBSON AND PRIVATE FIRST CLASS JACOB JOSEPH CHESTNUT OF THE UNITED STATES CAPITOL POLICE FOR THEIR SELFLESS ACT OF HEROISM AT THE UNITED STATES CAPITOL ON JULY 24, 1998

Mr. LOTT (for himself, Mr. DASCHLE, Mr. ABRAHAM, Mr. AKAKA, Mr. ALLARD, Mr. ASHCROFT, Mr. BAUCUS, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BREAUX, Mr. BROWNBAC, Mr. BRYAN, Mr. BUMPERS, Mr. BURNS, Mr. BYRD, Mr. CAMPBELL, Mr. CHAFEE, Mr. CLELAND, Mr. COATS, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. COVERDALL, Mr. CRAIG, Mr. D'AMATO, Mr. DEWINE, Mr. DODD, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. ENZI, Mr. FAIRCLOTH, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FORD, Mr. FRIST, Mr. GLENN, Mr. GORTON, Mr. GRAHAM, Mr. GRAMM, Mr. GRAMS, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mr. HELMS, Mr. HOLLINGS, Mr. HUTCHINSON, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUE, Mr. JEFFORDS, Mr. JOHNSON, Mr. KEMPTHORNE, Mr. KENNEDY, Mr. KERREY, Mr. KERRY, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mr. LUGAR, Mr. MACK, Mr. MCCAIN, Mr. MCCONNELL, Ms. MIKULSKI, Ms. MOSELEY-BRAUN, Mr. MOYNIHAN, Mr. MURKOWSKI, Mrs. MURRAY, Mr. NICKLES, Mr. REED, Mr. REID, Mr. ROBB, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. ROTH, Mr. SANTORUM, Mr. SARBANES, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH of New Hampshire, Mr. SMITH of OREGON, Ms. SNOWE, Mr. SPECTER, Mr. STEVENS, Mr. THOMAS, Mr. THOMPSON, Mr. THURMOND, Mr. TORRICELLI, Mr. WARNER, Mr. WELLSTONE, and Mr. WYDEN) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 110

Whereas the Capitol is the people's house, and, as such, it has always been and will remain open to the public;

Whereas millions of people visit the Capitol each year to observe and study the workings of the democratic process;

Whereas the Capitol is the most recognizable symbol of liberty and democracy throughout the world and those who guard the Capitol guard our freedom;

Whereas Private First Class Jacob "J.J." Chestnut and Detective John Michael Gibson sacrificed their lives to protect the lives of hundreds of tourists, staff, and Members of Congress;