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*If Veterans don't help Veterans, who will?*

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Mr. DECONCINI. Mr. President, I ask unanimous consent that the explanatory statements by the Senate and House committees on the provisions of H.R. 556, to which I referred earlier, be printed at this point in the RECORD.

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

**EXPLANATORY STATEMENT ON THE AGENT ORANGE ACT OF 1991**

The Agent Orange Act of 1991 (H.R. 556) as passed by the House of Representatives on January 29, 1991) was derived, with modifications, from bills considered by the Senate and the House of Representatives, but not enacted, during the 101st Congress. These include S. 1153, which the Senate passed on August 3, 1989; title VIII of S. 13, which the Senate passed as part of a substitute amendment to H.R. 901 on October 3, 1989; part C of title I of S. 2100, which the Senate Committee on Veterans' Affairs reported on July 19, 1990, but which did not receive Senate consideration prior to the end of the 101st Congress; and H.R. 5326, which the House of Representatives passed on October 15, 1990. H.R. 556 as passed by the House is substantively identical to S. 238, which was introduced in the Senate on the same date that H.R. 556 was introduced in the House.

The Committees on Veterans' Affairs of the Senate and the House of Representatives have prepared the following explanation of H.R. 556 (hereinafter referred to as "the bill").

**PRESUMPTIONS OF SERVICE CONNECTION FOR CERTAIN DISEASES**

Section 2(a) of the bill would (1) codify decisions the Secretary of Veterans Affairs has announced to grant presumptions of service connection for non-Hodgkin's lymphoma and soft-tissue sarcoma in veterans who served in Vietnam; and (2) codify and expand current VA regulations providing a presumption of service connection for chloracne becoming manifest within three months after completion of the veteran's service in Vietnam by expanding the manifestation period to one year.

Section 2(a) also would create a procedure requiring the Secretary to establish in regulations a presumption of service connection for other diseases that the Secretary determines to have a positive association with exposure to Agent Orange or other herbicides used in Vietnam. The determinations as to whether such associations exist would be required to be based on sound medical and scientific evidence, taking into account (1) periodic reports by the National Academy of Sciences reviewing scientific information regarding possible association between exposure to herbicides and the occurrence of diseases; and (2) all other scientific information available to the Secretary.

The Committees note that the Secretary already has authority to apply any presumption established under new section 316(b) of title 38, United States Code (as added by section 2(a) of the bill), to veterans exposed outside Vietnam to the same herbicide agent on which the presumption is based.

**INDEPENDENT SCIENTIFIC STUDY OF HERBICIDES**

Section 3 would require the Secretary to seek to enter into a contract with the National Academy of Sciences (NAS), within 60 days after enactment, to review scientific and medical information regarding the health effects of exposure to Agent Orange and other herbicides used in Vietnam. If VA is unable to enter into a contract with NAS,

the Secretary must seek to enter into a contract with another independent scientific organization having expertise and objectivity comparable to that of NAS.

For each disease suspected of being associated with exposure to an herbicide, NAS would review and summarize the relevant scientific evidence and determine (1) whether there is a statistical association with exposure to the herbicide; (2) the increased risk of disease among those exposed to the herbicides during service in Vietnam; and (3) whether there is a plausible biological mechanism or other evidence of a causal relationship between herbicide exposure and the disease. NAS also would include in its reports any recommendations it has for further studies to resolve areas of continuing scientific uncertainty about the health effects of exposure to herbicide agents.

The first report by NAS, due not later than 18 months after the date of enactment, would include the Academy's recommendations as to whether the programs under sections 6-9, discussed below, should be implemented.

The bill would require follow-up reviews by NAS at least once every two years for 10 years after the initial report.

The Committees expect that NAS will identify the specific herbicide agent responsible for each of the Academy's determinations under section 3(d) of the bill.

**EXPANSION OF OUTREACH ACTIVITIES**

Section 4 would expand the outreach activities required under Public Law 100-687 to require VA to provide veterans with annual updates about the health effects of exposure to herbicides.

**EXTENSION OF SPECIAL HEALTH-CARE ELIGIBILITY**

Section 5 would extend from October 31, 1990, to December 31, 1993, priority eligibility for VA health care based on possible exposure to Agent Orange or radiation.

**COMPILATION AND ANALYSIS OF DATA FROM VA EXAMINATIONS AND TREATMENT**

Section 6 would require VA, effective 90 days after VA receives the first NAS report, to compile, analyze, and submit annual reports to Congress about scientifically useful, clinical data obtained from VA medical examinations and treatment provided after November 3, 1981, to Vietnam veterans who sought VA health care under section 610(e) of title 38 based on exposure to Agent Orange or radiation. The program would be subject to specific appropriations being made to carry it out and would not be implemented if the Secretary determines, giving great weight to the recommendations in the first NAS report, that it is not feasible or cost-effective to carry out the program or that carrying out the program would not make a material contribution to the body of scientific knowledge concerning the health effects in humans of herbicide exposure.

**BLOOD AND TISSUE ARCHIVING**

Section 7 would require VA, effective 90 days after VA receives the first NAS report, to establish an archiving system for blood and tissue samples contributed voluntarily by Vietnam veterans, for the purpose of facilitating scientific research on the effects of veterans' exposure to dioxin and other agents in herbicides. The program would be subject to specific appropriations being made to carry it out and would not be implemented if the Secretary determines, giving great weight to the recommendations in the first NAS report, that it is not feasible or cost-effective to carry out the program or that carrying out the program would not make a material contribution to the body of scientific knowledge concerning the health effects in humans of herbicide exposure.

**SCIENTIFIC RESEARCH FEASIBILITY STUDIES**

Section 8 would require VA, effective 90 days after VA receives the first NAS report, to establish in consultation with NAS a program of pilot studies of the feasibility of conducting additional scientific research on health hazards of exposure to herbicide agents or service in Vietnam. The program would be subject to specific appropriations being made to carry it out and would not be implemented if the Secretary determines, giving great weight to the recommendations in the first NAS report, that it is not feasible or cost-effective to carry out the program or that carrying out the program would not make a material contribution to the body of scientific knowledge concerning the health effects in humans or herbicide exposure.

**BLOOD TESTING**

Section 9 would require VA, effective 90 days after VA receives the first NAS report, to test for TCDD in any blood sample voluntarily provided by Vietnam veterans who seek VA health care under priority eligibility based on exposure to Agent Orange. VA would be required to provide tested veterans with the results of the test and an explanation of the meaning of the results. The program would be subject to specific appropriations being made to carry it out, not to exceed \$4 million a year, and would not be implemented if the Secretary determines, giving great weight to the recommendations in the first NAS report, that the program is not feasible or cost-effective to carry out the program or that carrying out the program would not make a material contribution to the body of scientific knowledge concerning the health effects in humans of herbicide exposure.

The Committees expect NAS to include in its recommendations under section 3 the Academy's recommendations as to what, if anything, the results of the blood tests might indicate regarding the likelihood that a veteran was exposed to 2,3,7,8-tetrachlorodibenzo-p-dioxin (TCDD). If section 9 of the bill is implemented, the Committees further expect the Secretary, in explaining these blood-test results to veterans, to give great weight to the NAS recommendations in that regard.

**MODIFICATION OF FUNCTIONS OF THE VA ADVISORY COMMITTEE ON ENVIRONMENTAL HAZARDS**

Section 10 would eliminate the Agent Orange functions of VA's Advisory Committee on Environmental Hazards six months after the date of enactment or upon the Secretary's determination that the Advisory Committee has completed its responsibilities under the May 2, 1989, court order in *Nehmer v. Department of Veterans Affairs*, No. C-86-8160 TEH (N.D. Calif.), whichever occurs first.

VA has advised the Committees that it expects the Advisory Committee to complete these responsibilities by the end of May 1991. The Committees thus fully expect the Advisory Committee and the Secretary to carry out those responsibilities by the end of the six-month period following the enactment of this measure.

Mr. DECONCINI. Mr. President, I yield to the ranking member the Senator from Pennsylvania [Mr. SPECTER].

The PRESIDING OFFICER. The Chair recognizes the Senator from Pennsylvania [Mr. SPECTER].

Mr. SPECTER. Mr. President, I thank the Chair.

I offer my congratulations to the distinguished ranking Democrat, Sena-