I opposed this bill for two reasons. Number one, I do not believe it is right to single out an individual group in legislative remedies. If change in any area of law occurs it should apply to all affected, not as, in this case, with only the Boy Scouts. It does not make sense to repeal the Scouts' charter and leave in place charters for groups such as the Society of American Florists and Ornamental Horticulturists, National Ski Patrol System, Aviation Hall of Fame, or any of the roughly 90 other groups who hold charters.

If Ms. WOOLSEY'S bill repealed all federal charters, it might represent a legitimate debate, unfortunately, this bill has a more narrow scope. According to a report published by the Library of Congress, the chartering by Congress, of organizations is essentially a 20th century practice and does not assign the group any governmental attributes. The report continues by stating, that the attraction of charter status for national organizations is that it tends to provide an ''official'' imprimatur to their activities. With these facts in mind, in 1989, the House Judiciary Committee decided to impose a moratorium on granting new charters.

However, the bill does not address this point, instead it focuses solely on the Boy Scouts. The intend of the bill is to pressure the Boy Scouts to change their practices, which brings me to my second point.

The First Amendment provides all American's the right of association. Whether a group preaches race-based hatred or the teachings of Christianity, their right to gather together has continually been protected by our nation's courts. In fact the courts have already ruled on the practices of the Boy Scouts. State courts in California, Connecticut, Oregon, Kansas, and the U.5. Court of Appeals for the Seventh Circuit have ruled in the Boy Scouts favor.

On June 28, 2000, the Supreme Court affirmed the Constitutionally protected right of the Boy Scouts to set its own standards for membership and leadership. In his ruling Chief Justice Rehnquist stated, though alternative lifestyles are becoming more socially acceptable, ''this is scarcely an argument for denying First Amendment protection to those who refuse to accept these views,'' he continued. ''The First Amendment protects expression, be it of the popular variety or not.'' This decision, once again, reaffirms the Boy Scout's First Amendment rights.

This bill attempts to circumvent the courts ruling by forcing the Boy Scouts to change their practices or else lose their charter. Upon reflection, I have come to agree with Chief Justice Rehnquist and the Supreme Court's, ruling, it should not be the federal government's role to alter the Boy Scout's values. More significantly, the, Boy Scout case is ultimately about something much bigger than scouting, it was a decision of whether or not our Constitutional right of association should remain intact. Passing this bill would have had just the opposite effect and for this reason, I voted against the bill.

ESTUARY RESTORATION ACT OF 2000

SPEECH OF

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2000

Mrs. LOWEY. Mr. Speaker, I rise today in strong support of H.R. 1775, the Estuary Restoration Act. This important piece of legislation provides a strong framework and strategy for protecting, maintaining and strengthening the nation's estuaries.

Estuaries are essential and fragile ecosystems that deserve a comprehensive plan to ensure their long-term viability. They are home to thousands of species of aquatic plant and animal life. They are also some of the most productive commercial fisheries in the world. And, millions of Americans flock to estuarine areas for vacations and recreation.

The legislation we are considering today gives us another tool to use for estuary preservation and restoration. This bill streamlines financing for estuary projects and integrates existing federal and non-federal programs. The bill also gives priority to those estuaries currently part of a management plan or pollution mitigation plan. This is so important that my colleague, ROSA DELAURO, and I introduced H.R. 1096, to provide special funding to States for implementation of national estuary conservation and management plans. I hope that with the passage of this legislation we can continue to provide the funding necessary to truly safeguard these essential natural resources.

Unfortunately, I can also tell you, from recent experience, about the tenuous nature of estuaries. Many of my constituents live near and fish from Long Island Sound. The Sound, until recently, was the third largest lobster fishery in the United States, behind Maine and Massachusetts. But the last two seasons have been a disaster for the Long Island Sound fishery. All of the lobsters in Long Island Sound have died. Lobster harvesters are finding their traps empty and their lives thrown into turmoil. The cause of this die-off is being studied and investigated, and it reinforces the need for greater protection of the nation's estuary habitats.

I am a proud cosponsor of this legislation and I urge my colleagues to support it.

BILL TO COMPENSATE POISONED NUCLEAR WORKERS

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2000

Mr. UDALL of Colorado. Mr. Speaker, I am today introducing another bill dealing with the pressing matter of providing compensation and care for current and former nuclear-weapons workers made sick as a result of their on-job exposure to radiation, beryllium, and other dangers. Let me explain why I am doing so at this time.

Earlier this year, I joined in supporting the Whitfield amendment to the Defense Authorization bill for fiscal year 2001. That amendment, which was adopted by the House, clearly stated that Congress needs to act this year to make good on the promise of a fairer deal for these people who helped America win the Cold War.

This is a very important matter for our country. It's particularly important for many Coloradans because our state is home to the Rocky Flats site, which for decades was a key part of the nuclear weapons complex. Now the site's old military mission has ended, and we are working hard to have Rocky Flats cleaned up and closed. But while we work to take care of the site, we need to work just as hard to take care of the people who worked there.

The people who worked at Rocky Flats and the other nuclear weapons sites were part of our country's defense just as much as those who wore the uniform of an armed service. They may not have been exposed to hostile fire, but they were exposed to radiation and beryllium and other very hazardous substances—and because of that some have developed serious illnesses while others will develop such illnesses in the future. Unfortunately, they haven't been eligible for veterans' benefits and have been excluded from other federal programs because they technically worked for DOE's contractors—and for far too long the government was not on their side. That has changed, I'm glad to say—the Department of Energy has reversed its decades-old policy of opposing workers claims.

I strongly supported that amendment because, as Len Ackland, writing in the Denver Post, has correctly said, ''The shape of such legislation will determine whether or not this nation, through its political leadership, will finally accept responsibility for the physical harm to thousands of the 600,000 workers recruited to fight the cold war by producing nuclear weapons.''

So I was encouraged when the House adopted that amendment and went on record as saying that now is the time for the Congress to accept that responsibility. Adoption of the amendment signaled that the House recognized this to be a matter of high priority and that it was important for Congress to pass legislation this year to create an efficient, uniform, and adequate system of compensation for these civilian veterans of the cold war.

But that amendment was only a very modest first step. Since its adoption, both the House and Senate have completed initial action on the defense authorization bill—and the bill as passed by the Senate includes a separate title, Title 35, that would set up a compensation system for these workers who played such a vital role in winning the Cold War. That title, and the other differences between the House and Senate versions of the defense authorization bill, are now being considered by a conference committee.

I am sure that this Senate-passed legislation could be further refined. But we are rapidly nearing the end of this Congress, and time is of the essence. That is why, along with more than 100 of our colleagues, I have strongly urged the House's conferees to agree to this part of the Senate bill. I remain convinced that having the Senate-passed legislation included in the conference report on the defense authorization bill would be the very best way to take the essential first step toward the vital goal of doing justice to these workers.

However, some questions have been raised about the details of that Senate-passed legislation—and, next week, there will be a Subcommittee hearing in the Judiciary Committee

to examine the pending House legislation dealing with this subject. There already are a number of pending House bills. Most notably, there is H.R. 4398, introduced by our colleague from Kentucky, Mr. Whitfield. I am a cosponsor of that bill and I think it would be highly desirable for that bill to be signed into law.

However, until now the Senate-passed legislation technically has not been pending before the Judiciary Committee because it was passed as an amendment to the defense authorization bill rather than as a free-standing measure.

So, along with a number of other Members who are joining as cosponsors, I today am introducing a bill that combines elements of the Whitfield amendment to the defense authorization bill—namely, the findings spelling out the background and the need for legislation—and the substantive provisions of Title 35 of the Senate amendment to that same defense authorization bill.

I am doing this so that the Judiciary Committee will have the fullest possible opportunity to consider these provisions at next week's hearing. My hope is that as a result the Judiciary Committee members who are also conferees on the defense authorization bill will join the other House conferees in agreeing to inclusion of these provisions in the conference report. I think that will provide the best opportunity to achieve enactment this year of an essential first step toward providing a long-overdue measure of justice. I know that more will remain to be done, but it will lay a good foundation on which to build in the near future—something that I hope to be able to do beginning next year.

DIGEST OF PROVISIONS OF BILL

Title: Energy Employees Occupational Illness Compensation Act of 2000 (based on Title 35, Senate Defense Authorization Act, FY 2001).

Background: After decades of denials, the Administration has conceded that workers who helped make nuclear weapons were exposed to radiation and chemicals that caused cancer and early death. Secretary of Energy Bill Richardson is leading the Administration's efforts to pass as comprehensive a bill as possible in this Congress. The Administration offered a preliminary bill in November 1999 (HR 3418) through Representative Paul Kanjorski. After releasing a National Economic Council Report in April 2000 which outlined the science and policy reasons for implementing a federal workers comp system for nuclear weapons workers, Representative Whitfield, and many cosponsors, introduced HR 4398, a comprehensive bill which covers radiation, beryllium silica, hazardous chemicals and heavy metals.

New Bill/Senate Amendment: The Udall of Colorado bill incorporates the provisions of the Energy Employees Occupational Illness Compensation Act of 2000, which was adopted on the Senate floor as an amendment to the Defense Authorization Act for fiscal year 2001. It provides for payment by the Federal government of lost wages and/or medical costs for employees who died or whose health was damaged by exposure to beryllium, radiation or silica while working for the defense of the United States through defense nuclear programs of the Department of Energy (DOE) and its predecessor agencies. These health hazards were special to DOE and to nuclear weapons, which require both beryllium-containing components and radioactive materials and drilling of tunnels under the Nevada Test Site.

The compensation in this bill is modeled on the coverage federal employees can receive in the Federal Employees Compensation Act. Compensation decisions are to be based on science and expert judgment, and dose information is to be used where it is known or can be estimated. As with FECA, compensation under this bill would be mandatory spending and benefits are tax exempt. CBO has scored Title 35 of the Senate's Defense Authorization bill at $2.3 billion over 5 years and $3.7 billion over 10 years.

Three federal agencies would be involved in the program. The Department of Labor, which already administers FECA, would handle the administrative processing of claims, appeals, and payments. The Department of Health and Human Services (HHS), which currently oversees radiation and beryllium health effects research at DOE sites, would oversee the scientific decisions that must be made. The DOE, which has the detailed information on and access to workers, is to play an advocacy role in informing workers of the programs and facilitating information flow to the Department of Labor.

Hazards and Coverage: *Beryllium:* Beryllium is a non-radioactive metal that can cause an allergic reaction that ,severely scars the lungs. Beryllium lung damage has unique characteristics and can be traced specifically to beryllium exposure. The first sign of the allergic reaction is beryllium sensitivity, which sometimes progresses to chronic beryllium disease. Beryllium sensitivity must be medically monitored, but is not disabling. Chronic beryllium disease can disable or kill. Under Title 35 and this bill:

Workers who can show beryllium sensitivity (or who have chronic beryllium disease but are not disabled) would be eligible to have the medical costs of monitoring their condition paid by the Federal government.

Workers who contract chronic beryllium disease and who die or are disabled could also receive lost wage benefits, in addition to medical costs.

Radiation: Radiation in high doses has been linked to elevated rates of some types of cancer. Unlike beryllium illness, it is not possible to look at a tumor and know for sure that radiation in the workplace caused it. Scientists have determined the doses at which certain cancers in workers in certain age groups can be confidently be said to be radiation caused. These data on radiation dose and cancer form the basis in the bill for compensating workers who have adequate dose records, as follows.

Workers who have a specified radiogenic cancer that is determined to be work-related under HHS guidelines, but who are not disabled, could have their medical costs of their cancer treatment paid by the Federal government.

Workers who have a work related cancer, as established under the HHS guidelines, and who are disabled or dead, could also receive lost wage benefits, in addition to medical costs.

Silicosis: Miners at the Nevada Test site drilled underground tunnels through hard rock for the placement of nuclear weapons devices that were subsequently tested. DOE failed to adequately control exposure to silica dust and 20 percent of the workers screened by a DOE medical screening program at the Nevada Test Site have found silicosis, a disease that causes irreparable scarring of the lungs.

Workers with Non-Existent Radiation Records. Many worker dose records in DOE are flawed, but this amendment requires HHS to estimate dose, where records exist and it is feasible to do so. In some cases, though, it is not feasible to reconstruct what radiation dose a group of workers received, even though it is clear from their job types that their health may have been endangered by radiation. For these special exposure situations, the bill provides that workers can be placed by the HHS into a ''special exposure cohort'' that can be compensated for certain types of cancer enumerated in the amendment. Members of the ''special exposure cohort'' are eligible for the same compensation as workers in the previous section. Because of the unmeasured, probably large, internal radiation doses which they received, and the lack of monitoring, protection, or even warning given by DOE to them, certain employees at the DOE gaseous diffusion plants are placed in the ''special exposure cohort'' by law under the bill. It was the public outcry over the deliberate deception of these employees by the DOE and its contractors concerning workplace radiation risks that led the Administration to propose the bill on which Title 35 and this bill are patterned.

Lump Sum Payment Option. All of the above classes of workers, if they are disabled, and their survivors, if the workers die before being compensated, would be able to choose a one-time $200,000 lump plus medical benefits in lieu of lost wages and ongoing medical benefits described above. This option is intended mostly for elderly, retired workers, or for survivors of deceased workers.

Administrative Provisions. There are provisions in the bill against receiving lost wages or lump sum payments for more than one disability or cause of death. Benefits under other Federal or state worker compensation statutes for the same disability or death would be deducted from any benefits under the bill. Title 35 and the bill also contain language making payment under the amendment the exclusive remedy for all liability by DOE and its contractors. For vendors, acceptance of payment under this program would waive the right to sue, but employees who seek court relief would have to file within 180 days of the onset of a beryllium or radiation related disease.

Other Toxic Substances: The bill does not provide federal compensation for health effects from exposure to other toxic substances in the DOE workplace, but does authorize DOE to work with States to get workers with these health effects into State worker compensation programs. DOE will maintain an office to review claims and advise contractors not challenge claims deemed meritorious by DOE.

THE INTRODUCTION OF LEGISLATION TO CREATE AN ADMINISTRATIVE LAW JUDGE CONFERENCE OF THE UNITED STATES

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2000

Mr. GEKAS. Mr. Speaker, I am today introducing legislation to establish the Administrative Law Conference of the United States.

America's administrative law judges occupy an important place in American government, adjudicating federal agency decisions that affect nearly every American. Administrative Law judges conduct formal proceedings, interpret federal and state law, apply agency regulations, and ensure the fair implementation of a broad range of federal agency policies. Since passage of the Administrative Procedure Act, the importance of administrative law judges and their impact on everyday life has