

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 333) was agreed to.

The preamble was agreed to.

AUTHORIZING USE OF ROTUNDA OF THE CAPITOL

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate now proceed to consideration of H. Con. Res. 344, which is at the desk.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 344) permitting the use of the Rotunda of the Capitol for a ceremony to present the Congressional Gold Medal to Father Theodore Hesburgh.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. BROWNBACK. I ask unanimous consent that the concurrent resolution be agreed to, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 344) was agreed to.

RADIATION EXPOSURE COMPENSATION ACT AMENDMENTS OF 2000

Mr. BROWNBACK. I ask unanimous consent the Chair lay before the Senate a message from the House of Representatives to accompany S. 1515, an Act to amend the Radiation Exposure Compensation Act, and for other purposes.

There being no objection, the Presiding Officer laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 1515) entitled "An Act to amend the Radiation Exposure Compensation Act, and for other purposes", do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Radiation Exposure Compensation Act Amendments of 2000".

SEC. 2. FINDINGS.

Congress finds that—

(1) the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) recognized the responsibility of the Federal Government to compensate individuals who were harmed by the mining of radioactive materials or fallout from nuclear arms testing;

(2) a congressional oversight hearing conducted by the Committee on Labor and Human Resources of the Senate demonstrated that since enactment of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note), regulatory burdens have made it too difficult for some deserving individuals to be fairly and efficiently compensated;

(3) reports of the Atomic Energy Commission and the National Institute for Occupational Safety and Health testify to the need to extend eligibility to States in which the Federal Government sponsored uranium mining and milling from 1941 through 1971;

(4) scientific data resulting from the enactment of the Radiation Exposed Veterans Compensation Act of 1988 (38 U.S.C. 101 note), and obtained from the Committee on the Biological Effects of Ionizing Radiations, and the President's Advisory Committee on Human Radiation Experiments provide medical validation for the extension of compensable radiogenic pathologies;

(5) above-ground uranium miners, millers and individuals who transported ore should be fairly compensated, in a manner similar to that provided for underground uranium miners, in cases in which those individuals suffered disease or resultant death, associated with radiation exposure, due to the failure of the Federal Government to warn and otherwise help protect citizens from the health hazards addressed by the Radiation Exposure Compensation Act of 1990 (42 U.S.C. 2210 note); and

(6) it should be the responsibility of the Federal Government in partnership with State and local governments and appropriate healthcare organizations, to initiate and support programs designed for the early detection, prevention and education on radiogenic diseases in approved States to aid the thousands of individuals adversely affected by the mining of uranium and the testing of nuclear weapons for the Nation's weapons arsenal.

SEC. 3. AMENDMENTS TO THE RADIATION EXPOSURE COMPENSATION ACT.

(a) CLAIMS RELATING TO ATMOSPHERIC NUCLEAR TESTING.—Section 4(a)(1) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended to read as follows:

"(1) CLAIMS RELATING TO LEUKEMIA.—

"(A) IN GENERAL.—An individual described in this subparagraph shall receive an amount specified in subparagraph (B) if the conditions described in subparagraph (C) are met. An individual referred to in the preceding sentence is an individual who—

"(i) (I) was physically present in an affected area for a period of at least 1 year during the period beginning on January 21, 1951, and ending on October 31, 1958;

"(II) was physically present in the affected area for the period beginning on June 30, 1962, and ending on July 31, 1962; or

"(III) participated onsite in a test involving the atmospheric detonation of a nuclear device; and

"(ii) submits written documentation that such individual developed leukemia—

"(I) after the applicable period of physical presence described in subclause (I) or (II) of clause (i) or onsite participation described in clause (i)(III) (as the case may be); and

"(II) more than 2 years after first exposure to fallout.

"(B) AMOUNTS.—If the conditions described in subparagraph (C) are met, an individual—

"(i) who is described in subclause (I) or (II) of subparagraph (A)(i) shall receive \$50,000; or

"(ii) who is described in subclause (III) of subparagraph (A)(i) shall receive \$75,000.

"(C) CONDITIONS.—The conditions described in this subparagraph are as follows:

"(i) Initial exposure occurred prior to age 21.

"(ii) The claim for a payment under subparagraph (B) is filed with the Attorney General by or on behalf of the individual.

"(iii) The Attorney General determines, in accordance with section 6, that the claim meets the requirements of this Act."

(b) DEFINITIONS.—Section 4(b) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A) by inserting "Wayne, San Juan," after "Millard,"; and

(B) by amending subparagraph (C) to read as follows:

"(C) in the State of Arizona, the counties of Coconino, Yavapai, Navajo, Apache, and Gila; and"; and

(2) in paragraph (2)—

(A) by striking "the onset of the disease was between 2 and 30 years of first exposure," and inserting "the onset of the disease was at least 2 years after first exposure, lung cancer (other than in situ lung cancer that is discovered during or after a post-mortem exam),";

(B) by striking "(provided initial exposure occurred by the age of 20)" after "thyroid";

(C) by inserting "male or" before "female breast";

(D) by striking "(provided initial exposure occurred prior to age 40)" after "female breast";

(E) by striking "(provided low alcohol consumption and not a heavy smoker)" after "esophagus";

(F) by striking "(provided initial exposure occurred before age 30)" after "stomach";

(G) by striking "(provided not a heavy smoker)" after "pharynx";

(H) by striking "(provided not a heavy smoker and low coffee consumption)" after "pancreas"; and

(I) by inserting "salivary gland, urinary bladder, brain, colon, ovary," after "gall bladder,".

(c) CLAIMS RELATING TO URANIUM MINING.—(1) IN GENERAL.—Section 5(a) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended to read as follows:

"(a) ELIGIBILITY OF INDIVIDUALS.—

"(1) IN GENERAL.—An individual shall receive \$100,000 for a claim made under this Act if—

"(A) that individual—

"(i) was employed in a uranium mine or uranium mill (including any individual who was employed in the transport of uranium ore or uranium-uranium ore from such mine or mill) located in Colorado, New Mexico, Arizona, Wyoming, South Dakota, Washington, Utah, Idaho, North Dakota, Oregon, and Texas at any time during the period beginning on January 1, 1942, and ending on December 31, 1971; and

"(ii) (I) was a miner exposed to 40 or more working level months of radiation and submits written medical documentation that the individual, after that exposure, developed lung cancer or a nonmalignant respiratory disease; or

"(II) was a miller or ore transporter who worked for at least 1 year during the period described under clause (i) and submits written medical documentation that the individual, after that exposure, developed lung cancer or a nonmalignant respiratory disease or renal cancers and other chronic renal disease including nephritis and kidney tubal tissue injury;

"(B) the claim for that payment is filed with the Attorney General by or on behalf of that individual; and

"(C) the Attorney General determines, in accordance with section 6, that the claim meets the requirements of this Act.

"(2) INCLUSION OF ADDITIONAL STATES.—Paragraph (1)(A)(i) shall apply to a State, in addition to the States named under such clause, if—

"(A) an Atomic Energy Commission uranium mine was operated in such State at any time during the period beginning on January 1, 1942, and ending on December 31, 1971;

"(B) the State submits an application to the Department of Justice to include such State; and

"(C) the Attorney General makes a determination to include such State.

"(3) PAYMENT REQUIREMENT.—Each payment under this section may be made only in accordance with section 6."

(2) DEFINITIONS.—Section 5(b) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended—

(A) in paragraph (3)—

(i) by striking "and" before "corpulmonale"; and

(ii) by striking "; and if the claimant," and all that follows through the end of the paragraph and inserting ", silicosis, and pneumoconiosis";

(B) by striking the period at the end of paragraph (4) and inserting a semicolon; and

(C) by adding at the end the following:

“(5) the term ‘written medical documentation’ for purposes of proving a nonmalignant respiratory disease or lung cancer means, in any case in which the claimant is living—

“(A)(i) an arterial blood gas study; or
“(ii) a written diagnosis by a physician meeting the requirements of subsection (c)(1); and
“(B)(i) a chest x-ray administered in accordance with standard techniques and the interpretive reports of a maximum of two National Institute of Occupational Health and Safety certified ‘B’ readers classifying the existence of the nonmalignant respiratory disease of category 1/0 or higher according to a 1989 report of the International Labor Office (known as the ‘ILO’), or subsequent revisions;

“(ii) high resolution computed tomography scans (commonly known as ‘HRCT scans’) (including computer assisted tomography scans (commonly known as ‘CAT scans’), magnetic resonance imaging scans (commonly known as ‘MRI scans’), and positron emission tomography scans (commonly known as ‘PET scans’)) and interpretive reports of such scans;

“(iii) pathology reports of tissue biopsies; or
“(iv) pulmonary function tests indicating restrictive lung function, as defined by the American Thoracic Society;

“(6) the term ‘lung cancer’—
“(A) means any physiological condition of the lung, trachea, or bronchus that is recognized as lung cancer by the National Cancer Institute; and

“(B) includes in situ lung cancers;
“(7) the term ‘uranium mine’ means any underground excavation, including ‘dog holes’, as well as open pit, strip, rim, surface, or other aboveground mines, where uranium ore or vanadium-uranium ore was mined or otherwise extracted; and

“(8) the term ‘uranium mill’ includes milling operations involving the processing of uranium ore or vanadium-uranium ore, including both carbonate and acid leach plants.”.

(3) WRITTEN DOCUMENTATION.—Section 5 of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended by adding at the end the following:

“(c) WRITTEN DOCUMENTATION.—
“(1) DIAGNOSIS ALTERNATIVE TO ARTERIAL BLOOD GAS STUDY.—

“(A) IN GENERAL.—For purposes of this Act, the written diagnosis and the accompanying interpretive reports described in subsection (b)(5)(A) shall—

“(i) be considered to be conclusive; and
“(ii) be subject to a fair and random audit procedure established by the Attorney General.

“(B) CERTAIN WRITTEN DIAGNOSES.—

“(i) IN GENERAL.—For purposes of this Act, a written diagnosis made by a physician described under clause (ii) of a nonmalignant pulmonary disease or lung cancer of a claimant that is accompanied by written documentation shall be considered to be conclusive evidence of that disease.

“(ii) DESCRIPTION OF PHYSICIANS.—A physician referred to under clause (i) is a physician who—

“(I) is employed by the Indian Health Service or the Department of Veterans Affairs; or
“(II) is a board certified physician; and
“(III) has a documented ongoing physician patient relationship with the claimant.

“(2) CHEST X-RAYS.—

“(A) IN GENERAL.—For purposes of this Act, a chest x-ray and the accompanying interpretive reports described in subsection (b)(5)(B) shall—

“(i) be considered to be conclusive; and
“(ii) be subject to a fair and random audit procedure established by the Attorney General.

“(B) CERTAIN WRITTEN DIAGNOSES.—

“(i) IN GENERAL.—For purposes of this Act, a written diagnosis made by a physician described in clause (ii) of a nonmalignant pulmonary disease or lung cancer of a claimant that is accompanied by written documentation that meets the definition of that term under subsection (b)(5)

shall be considered to be conclusive evidence of that disease.

“(ii) DESCRIPTION OF PHYSICIANS.—A physician referred to under clause (i) is a physician who—

“(I) is employed by—
“(aa) the Indian Health Service; or
“(bb) the Department of Veterans Affairs; and
“(II) has a documented ongoing physician patient relationship with the claimant.”.

(d) DETERMINATION AND PAYMENT OF CLAIMS.—

(1) FILING PROCEDURES.—Section 6(a) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended by adding at the end the following: “In establishing procedures under this subsection, the Attorney General shall take into account and make allowances for the law, tradition, and customs of Indian tribes (as that term is defined in section 5(b)) and members of Indian tribes, to the maximum extent practicable.”.

(2) DETERMINATION AND PAYMENT OF CLAIMS, GENERALLY.—Section 6(b)(1) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended by adding at the end the following: “All reasonable doubt with regard to whether a claim meets the requirements of this Act shall be resolved in favor of the claimant.”.

(3) OFFSET FOR CERTAIN PAYMENTS.—Section 6(c)(2)(B) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended—

(A) in clause (i), by inserting “(other than a claim for workers’ compensation)” after “claim”; and

(B) in clause (ii), by striking “Federal Government” and inserting “Department of Veterans Affairs”.

(4) APPLICATION OF NATIVE AMERICAN LAW TO CLAIMS.—Section 6(c)(4) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended by adding at the end the following:

“(D) APPLICATION OF NATIVE AMERICAN LAW.—In determining those individuals eligible to receive compensation by virtue of marriage, relationship, or survivorship, such determination shall take into consideration and give effect to established law, tradition, and custom of the particular affected Indian tribe.”.

(5) ACTION ON CLAIMS.—Section 6(d) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended—

(A) by inserting “(1) IN GENERAL.—” before “The Attorney General”;

(B) by inserting at the end the following: “For purposes of determining when the 12-month period ends, a claim under this Act shall be deemed filed as of the date of its receipt by the Attorney General. In the event of the denial of a claim, the claimant shall be permitted a reasonable period in which to seek administrative review of the denial by the Attorney General. The Attorney General shall make a final determination with respect to any administrative review within 90 days after the receipt of the claimant’s request for such review. In the event the Attorney General fails to render a determination within 12 months after the date of the receipt of such request, the claim shall be deemed awarded as a matter of law and paid.”; and

(C) by adding at the end the following:

“(2) ADDITIONAL INFORMATION.—The Attorney General may request from any claimant under this Act, or from any individual or entity on behalf of any such claimant, any reasonable additional information or documentation necessary to complete the determination on the claim in accordance with the procedures established under subsection (a).

“(3) TREATMENT OF PERIOD ASSOCIATED WITH REQUEST.—

“(A) IN GENERAL.—The period described in subparagraph (B) shall not apply to the 12-month limitation under paragraph (1).

“(B) PERIOD.—The period described in this subparagraph is the period—

“(i) beginning on the date on which the Attorney General makes a request for additional in-

formation or documentation under paragraph (2); and

“(ii) ending on the date on which the claimant or individual or entity acting on behalf of that claimant submits that information or documentation or informs the Attorney General that it is not possible to provide that information or that the claimant or individual or entity will not provide that information.

“(4) PAYMENT WITHIN 6 WEEKS.—The Attorney General shall ensure that an approved claim is paid not later than 6 weeks after the date on which such claim is approved.

“(5) NATIVE AMERICAN CONSIDERATIONS.—Any procedures under this subsection shall take into consideration and incorporate, to the fullest extent feasible, Native American law, tradition, and custom with respect to the submission and processing of claims by Native Americans.”.

(e) REGULATIONS.—

(1) IN GENERAL.—Section 6(i) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended by adding at the end the following: “Not later than 180 days after the date of the enactment of the Radiation Exposure Compensation Act Amendments of 2000, the Attorney General shall issue revised regulations to carry out this Act.”.

(2) AFFIDAVITS.—

(A) IN GENERAL.—The Attorney General shall take such action as may be necessary to ensure that the procedures established by the Attorney General under section 6 of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) provide that, in addition to any other material that may be used to substantiate employment history for purposes of determining working level months, an individual filing a claim under those procedures may make such a substantiation by means of an affidavit described in subparagraph (B).

(B) AFFIDAVITS.—An affidavit referred to under subparagraph (A) is an affidavit—

(i) that meets such requirements as the Attorney General may establish; and

(ii) is made by a person other than the individual filing the claim that attests to the employment history of the claimant.

(f) LIMITATIONS ON CLAIMS.—Section 8 of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended—

(1) by inserting “(a) IN GENERAL.—” before “A claim”; and

(2) by adding at the end the following:

“(b) RESUBMITTAL OF CLAIMS.—After the date of the enactment of the Radiation Exposure Compensation Act Amendments of 2000, any claimant who has been denied compensation under this Act may resubmit a claim for consideration by the Attorney General in accordance with this Act not more than three times. Any resubmittal made before the date of the enactment of the Radiation Exposure Compensation Act Amendments of 2000 shall not be applied to the limitation under the preceding sentence.”.

(g) EXTENSION OF CLAIMS AND FUND.—

(1) EXTENSION OF CLAIMS.—Section 8 of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended by striking “20 years after the date of the enactment of this Act” and inserting “22 years after the date of the enactment of the Radiation Exposure Compensation Act Amendments of 2000”.

(2) EXTENSION OF FUND.—Section 3(d) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended in the first sentence by striking “date of the enactment of this Act” and inserting “date of the enactment of the Radiation Exposure Compensation Act Amendments of 2000”.

(h) ATTORNEY FEES LIMITATION.—Section 9 of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended to read as follows: “SEC. 9. ATTORNEY FEES.

“(a) GENERAL RULE.—Notwithstanding any contract, the representative of an individual may not receive, for services rendered in connection with the claim of an individual under this

Act, more than that percentage specified in subsection (b) of a payment made under this Act on such claim.

“(b) APPLICABLE PERCENTAGE LIMITATIONS.—The percentage referred to in subsection (a) is—

“(1) 2 percent for the filing of an initial claim; and

“(2) 10 percent with respect to—

“(A) any claim with respect to which a representative has made a contract for services before the date of the enactment of the Radiation Exposure Compensation Act Amendments of 2000; or

“(B) a resubmission of a denied claim.

“(c) PENALTY.—Any such representative who violates this section shall be fined not more than \$5,000.”.

(i) GAO REPORTS.—

(1) IN GENERAL.—Not later than 18 months after the date of the enactment of this Act, and every 18 months thereafter, the General Accounting Office shall submit a report to Congress containing a detailed accounting of the administration of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) by the Department of Justice.

(2) CONTENTS.—Each report submitted under this subsection shall include an analysis of—

(A) claims, awards, and administrative costs under the Radiation Exposure Compensation Act (42 U.S.C. 2210 note); and

(B) the budget of the Department of Justice relating to such Act.

SEC. 4. ESTABLISHMENT OF PROGRAM OF GRANTS TO STATES FOR EDUCATION, PREVENTION, AND EARLY DETECTION OF RADIOGENIC CANCERS AND DISEASES.

Subpart I of part C of title IV of the Public Health Service Act (42 U.S.C. 285 et seq.) is amended by adding at the end the following:

“SEC. 417C. GRANTS FOR EDUCATION, PREVENTION, AND EARLY DETECTION OF RADIOGENIC CANCERS AND DISEASES.

“(a) DEFINITION.—In this section the term ‘entity’ means any—

“(1) National Cancer Institute-designated cancer center;

“(2) Department of Veterans Affairs hospital or medical center;

“(3) Federally Qualified Health Center, community health center, or hospital;

“(4) agency of any State or local government, including any State department of health; or

“(5) nonprofit organization.

“(b) IN GENERAL.—The Secretary, acting through the Administrator of the Health Resources and Services Administration in consultation with the Director of the National Institutes of Health and the Director of the Indian Health Service, may make competitive grants to any entity for the purpose of carrying out programs to—

“(1) screen individuals described under section 4(a)(1)(A)(i) or 5(a)(1)(A) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) for cancer as a preventative health measure;

“(2) provide appropriate referrals for medical treatment of individuals screened under paragraph (1) and to ensure, to the extent practicable, the provision of appropriate follow-up services;

“(3) develop and disseminate public information and education programs for the detection, prevention, and treatment of radiogenic cancers and diseases; and

“(4) facilitate putative applicants in the documentation of claims as described in section 5(a) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note).

“(c) INDIAN HEALTH SERVICE.—The programs under subsection (a) shall include programs provided through the Indian Health Service or through tribal contracts, compacts, grants, or cooperative agreements with the Indian Health Service and which are determined appropriate to raising the health status of Indians.

“(d) GRANT AND CONTRACT AUTHORITY.—Entities receiving a grant under subsection (b) may expend the grant to carry out the purpose described in such subsection.

“(e) HEALTH COVERAGE UNAFFECTED.—Nothing in this section shall be construed to affect any coverage obligation of a governmental or private health plan or program relating to an individual referred to under subsection (b)(1).

“(f) REPORT TO CONGRESS.—Beginning on October 1 of the year following the date on which amounts are first appropriated to carry out this section and annually on each October 1 thereafter, the Secretary shall submit a report to the Committee on the Judiciary and the Committee on Health, Education, Labor, and Pensions of the Senate and to the Committee on the Judiciary and the Committee on Commerce of the House of Representatives. Each report shall summarize the expenditures and programs funded under this section as the Secretary determines to be appropriate.

“(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for the purpose of carrying out this section \$20,000,000 for fiscal year 1999 and such sums as may be necessary for each of the fiscal years 2000 through 2009.”.

Mr. HATCH. Mr. President, I am pleased that the Congress is approving one of my top legislative priorities, the “Radiation Exposure Compensation Act Amendments of 2000,” (S. 1515) which will update the compensation program Congress enacted a decade ago. The amendments we pass tonight will make certain that more Utahns who were exposed to radiation during the Cold War can now be granted deserved compensation to recognize the injuries and hardship they and their families have suffered. It will also streamline the application process, making it easier for eligible claimants to qualify.

Mr. President, we our government can never truly make right the unanticipated illness and injury caused by our Nation’s nuclear testing program. But we should do all we can, and it is my fervent hope these amendments show Congress’ commitment to righting a wrong in which the government played such a substantial role.

S. 1515 is aimed at improving a program which provides a measure of compensation to individuals who have sustained illness due to radiation exposure. These are fellow Americans who have suffered terribly from cancer and other debilitating diseases resulting from exposure to fallout and uranium mining during this narrow period of our history.

In meetings with constituents over the past several years, I have heard countless heart-rending stories about the devastating effects families have felt due to their exposure to radiation. I recall so vividly one young woman in St. George, Utah talking about the “beautiful sky” that her mother called all the children outside to view, thus exposing every family member to radiation. Tragically, many of those family members were eventually diagnosed with cancer.

Through advances in science, we now know so much more about the effects of that radiation than we did in the late 1950s and 1960s. In fact, we know so

much more today than we did in 1990 when Congress passed the original compensation program, the Radiation Exposure Compensation Act. Our current state of scientific knowledge allows us to pinpoint with more accuracy which diseases are reasonably believed to be related to radiation exposure, and that is what necessitated the legislation we are considering today.

The RECA amendments of 2000 updates that 1990 law in a number of important areas. Let me briefly take this opportunity to summarize the improvements to RECA that S. 1515 makes:

1. It expands the list eligible diseases (leukemia) and other cancers eligible for compensation to include: lung; thyroid; breast (male and female); esophagus; stomach; pharynx, small intestine; pancreas; bile ducts; salivary gland; urinary bladder; brain, colon; ovary; gall bladder, or liver in those claimants referred to as “downwinders” and onsite test participants.

2. It extends eligibility to other diseases (non-cancers) including pulmonary fibrosis, silicosis and pneumoconiosis to millers and miners.

3. It includes two new counties, Wayne and San Juan, as well as several other counties from other states.

4. It extends eligibility for compensation to include above-ground and open-pit uranium mine workers, uranium mill workers, and individuals who transported uranium ore. Under the 1990 law, only underground miners of uranium were included.

5. In an important change, it eliminates a distinction between smokers and nonsmokers. While I appreciate the concern of government officials that smokers who became ill could not reasonably attribute that illness to radiation exposure, many constituents have explained to me that it was virtually impossible to provide reliable documentation about as to whether they had smoked or not. Thus, I insisted in this change so that claimants no longer need to prove they were nonsmokers. For many individuals, this will ease the application process immeasurably.

6. It allows for certified physician/patient written documentation and appropriate tests (e.g. CAT scans and MRIs) to be used in the verification of a claim. This will also ease the claimant’s application process tremendously. Before, claimants had to search for specific documentation that may have never existed or was disposed of years earlier.

7. In another important provision, these amendments respect Native American law in claims processing as it applies to survivor eligibility based on law, tradition, and custom of a particular Indian tribe (i.e. martial status).

8. While the bill retains the RECA’90 levels of compensation and does not alter the documentation requirements showing that a person was present during the atomic testings, at the request

of Senator DASCHLE, the bill does extend compensation to a new group of individuals: millers (and ore transporters) who are also eligible for \$100,000.

9. In the case of millers, miners, and ore transporters, the bill lowers the amount of documented radiation from 200 Working Level Months (WLM) to 40 Working Level Months. If a miller or ore transporter applies for compensation, their exposure documentation can be either proof of 40 WLM or one year documented employment. This is a big change, for with RECA 90, millers and ore transporters were not even eligible for compensation and miners were required to show proof of 200 WLMs.

10. Miners and millers are eligible for compensation if they meet the eligibility criteria for lung cancer and chronic lung diseases mentioned above in #2. Millers are eligible for compensation if they develop renal cancers, chronic renal disease including nephritis and kidney tubal tissue injury. The compensation would be \$100,000.

11. Finally, at the suggestion of several Washington County, Utah constituents, the bill includes a new grant program that will help with early detection, prevention and screening of radiogenic diseases. These programs will screen for the early warning signs of cancer, provide medical referrals and educate individuals on prevention and treatment of radiogenic diseases. The grant program is designed to be available to a wide range of community-based groups, including cancer centers, hospitals, Veterans Affairs medical centers, community health centers and state departments of health.

I am extremely grateful to the interested and concerned constituents who helped in the drafting of the RECA amendments. Many times, their heartfelt stories helped lead to provisions in the legislation which can only help improve the program. For example, in one meeting on the bill held in St. George, Utah, a woman explained to my office that the compensation program, while well-intended, could never make families who had experienced radiation-caused illness whole again. She expressed her feeling that the greater good could come not from compensating individuals, but from instituting programs which will help families detect potential illness earlier, allowing them to be treated more successfully and cost-effectively. From that conversation was born the new prevention grant program, which I believe will prove to be extremely successful.

Our nation has a commitment to the thousands who suffered ill-effects from radiation exposure during a period of nuclear testing critical to our Nation's defense capabilities. I believe we have an obligation to those who were injured, especially since they were not adequately warned about the potential health hazards involved in their exposure.

This legislation was made possible by a staunch group of bipartisan sup-

porters who have worked several years to see these program modernizations through. In particular, I want to thank my colleagues from the Beehive State, Representative CHRIS CANNON, a Judiciary Committee member who worked so hard to get this bill through, and Senator BOB BENNETT, for his support on this measure.

Likewise, I want to thank a number of other Senators for their help in passing this legislation—Senators BEN NIGHTHORSE CAMPBELL, JON KYL, and PETE DOMENICI, and Minority Leader TOM DASCHLE and Senator JEFF BINGAMAN. All of these Senators assisted substantially in developing this legislation.

I would be remiss if I did not thank members of the Senate Judiciary Committee, and especially Senator PAT LEAHY, for their help and cooperation on this issue. And, I want to pay special tribute to my counterpart in the House, Chairman HENRY HYDE, as well as to Representative LAMAR SMITH, Chairman of the Subcommittee on Immigration and Claims.

Finally, I would also like to thank the ranking member of the House Judiciary Committee, Representative JOHN CONYERS, Representative BARNEY FRANK, and Representative JOE SKEEN for their generous support and contributions toward the passage of this bill. I would also be remiss if I did not mention the contributions made to this bill by Stewart Udall, whose substantial work on RECA and these amendments should not go unnoticed.

I want to offer sincere appreciation for the assistance and cooperation of key staff, including Cindy Blackston of the House Judiciary Committee, Trudy Vincent of Senator BINGAMAN's staff, Peter Hansen and Mark Childress of Senator DASCHLE's staff, and Ed Pagano of Senator LEAHY's staff.

Also, I want to recognize the hard work by my own staff on this legislation. I have often thought that the probability of any bill passing by unanimous consent is an inverse relationship to the number of hours spent developing it. This bill has been a long time in development. Dr. Marlon Priest began the research phase for this bill over two years ago. Dr. David Russell has brought the legislation to its completion. Pattie DeLoatche, Rob Foreman, Shawn Bently, Troy Dow, Jeanine Holt, and Patricia Knight have worked tirelessly together on behalf of this legislation.

And last, but not least, I want to thank the many constituents who offered helpful suggestions to me as we worked to enact S. 1515. I have a tremendous appreciation for their determination, dedication and hard work which was such a necessary part of crafting this legislation.

The Radiation Exposure Compensation Act Amendment of 2000 is an important piece of legislation which will speed up the application process as well as modernize the criteria for compensation, helping thousands of fellow

Utahns and other deserving Americans who were injured by our nation's nuclear development and testing programs. I am hopeful that President Clinton will sign this bipartisan bill into law on a priority basis.

Mr. DASCHLE. Mr. President, I am delighted that the Senate is passing S. 1515, the Radiation Exposure Compensation Improvement Act Amendments of 2000. I deeply appreciate the hard work of my colleague, Senator HATCH, in developing this legislation and bringing it to this point.

Hundreds of former uranium workers in South Dakota and thousands across the nation have developed cancer and other life-threatening diseases as a result of their work producing uranium on behalf of the United States government. Although the federal government knew that this work put the health of these men and women at risk, it failed to take appropriate steps to warn or protect them.

In 1990, Congress passed landmark legislation to compensate these individuals. The legislation before us today takes critically-needed steps to amend this act to make it easier for victims to apply for and receive compensation. It also broadens the availability of compensation by updating the list of compensable diseases to take into account the latest science and by extending compensation to groups of workers excluded from the original law. Most importantly, it makes compensation available to workers in all states, including my home state of South Dakota. The original law limited compensation to workers in five states only, despite the fact that workers in other states faced identical circumstances.

It is critical that we pass this legislation as quickly as possible in order to provide these individuals with compensation. Many are sick, and unable to afford adequate health insurance. This compensation will provide them with vital assistance.

While I believe we need to send this legislation to the President immediately, there is one issue I hope to address as quickly as possible. The current version of this legislation sets different standards of eligibility for compensation for uranium millers and uranium miners. Uranium millers must demonstrate that they worked in a mill for a year. However, miners must demonstrate that they were exposed to 40 or more working level months of radiation. Given that miners' records about their level of exposure have now been lost, or were kept inaccurately, I believe we should set the one year standard for both categories of workers. Would the Senator from Utah agree at the first available opportunity to seek to amend this legislation to state that miners must simply demonstrate that they worked in a mine for one year to be eligible to receive compensation?

Mr. HATCH. I agree to work with the Democratic Leader. While we cannot

afford a delay in sending the current bill to the resident, a strong argument can be made that both miners and mill workers should have the same standard of eligibility for compensation. I will work with the Senator in an expeditious manner to address this issue and make any necessary amendment.

Mr. DASCHLE. I thank my colleague and once again commend him for his outstanding work on this issue.

Mr. LEAHY. Mr. President, I am pleased that the Senate is passing S. 1515, the Radiation Exposure Compensation Act Amendments of 2000, and sending it to President Clinton for his signature into law. I want to congratulate the Chairman of the Judiciary Committee, Senator HATCH, and the Senator from New Mexico, Senator BINGAMAN, for their leadership on this bill.

During the Senate Judiciary Committee consideration of this legislation last year, I offered an amendment on behalf of Senator BINGAMAN to add the category of renal disease affecting uranium miners to the coverage of the Radiation Exposure Compensation Act. I am pleased to report that our amendment has been retained in the final version of this legislation. I know that Senator BINGAMAN sought higher compensation levels for radiation exposure victims in his original legislation, but has agreed to this bipartisan compromise to ensure the bill's final passage into law this year and to expedite compensation to radiation exposure victims in New Mexico.

I want to commend Senator HATCH and Senator BINGAMAN for a job well done.

Mr. BINGAMAN. Mr. President, I rise today with my colleague from Utah, Senator HATCH, and others, to recognize we are passing S. 1515, which makes long overdue improvements to the Radiation Exposure Compensation Act of 1990.

Mr. President, RECA was originally enacted in 1990 as a means of compensating the individuals who suffered from exposure to radiation as a result of the U.S. government's nuclear testing program and federal uranium mining activities. While the government can never fully compensate for the loss of a life or the reduction in the quality of life, RECA serves as a cornerstone for the national apology Congress extended to those adversely affected by the various radiation tragedies. In keeping with the spirit of that apology, the legislation the Senate is passing today will further correct existing injustices and provide compassionate compensation for those whose lives and health were sacrificed as part of our nation's effort to win the Cold War. While this bill does not go as far as the bill I originally introduced in the Senate this Congress, I am pleased that we have been able to take these important steps to begin to compensate our citizens for the sacrifices they made.

During the period of 1947 to 1961, the Federal Government controlled all aspects of the production of nuclear fuel. One of these aspects was the mining of

uranium in New Mexico, Colorado, Arizona, Wyoming and Utah. Even though the Federal Government had adequate knowledge of the hazards involved in uranium mining, these miners, many of whom were Native Americans, were sent into inadequately ventilated mines with virtually no instruction regarding the dangers of ionizing radiation. These miners had no idea of those dangers. Consequently, they inhaled radon particles that eventually yielded substantial doses of ionizing radiation. As a result, these miners have a substantially elevated cancer rate and incidence of incapacitating respiratory disease. The health effects of uranium mining in the fifties and sixties remain the single greatest concern of many former uranium miners and millers and their families and friends.

In 1990, I was pleased to co-sponsor the original RECA legislation to provide compassionate compensation to uranium miners. I believe that our efforts in 1990 were well intentioned but have not proven to be as effective as we had hoped in providing redress to those individuals who suffered the effects of working in uranium mines or mills or transporting the ore. The government has the responsibility to compensate all those adversely affected and who have suffered health problems because they were not adequately informed of the risks they faced while mining, milling, and transporting uranium ore.

Now we are getting ready to pass this comprehensive amendment to RECA to correct omissions, make RECA consistent with current medical knowledge, and to address what have become administrative horror stories for the claimants. With passage of this bill, we're now a Presidential signature away from offering compensation to thousands more uranium workers than ever.

Mr. President, the success of this bill is due in large part to Paul Hicks, who stood up for uranium workers, and strongly encouraged Congress to do the right thing by passing this bill. Paul was President of the Uranium Workers of New Mexico, and his passing just two months ago makes today's action bittersweet. But I hope his family can take comfort in the fact that he made a tremendously positive impact on the lives of thousands of uranium workers.

Mr. President, I am appreciative of all the hard work done on this bill by Senator HATCH and others, and I hope the President will sign this bill as soon as possible so that justice will be delayed no longer.

Mr. BROWNBACK. I ask unanimous consent that the Senate agree to the amendment of the House.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE READ FOR THE FIRST TIME—S. 2808

Mr. BROWNBACK. Mr. President, I understand that S. 2808 is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill for the first time.

The bill clerk read as follows:

A bill (S. 2808) to amend the Internal Revenue Code of 1986 to temporarily suspend the Federal fuels tax.

Mr. BROWNBACK. Mr. President, I now ask for its second reading, and I object to my own request.

The PRESIDING OFFICER. The objection is heard.

The bill will be read the second time on the next legislative day.

ORDERS FOR THURSDAY, JUNE 29, 2000

Mr. BROWNBACK. I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Thursday, June 29. I further ask that on Thursday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of H.R. 4762, the disclosure bill under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BROWNBACK. For the information of all Senators, on Thursday the Senate will resume consideration of the disclosure bill at 9:30 a.m. Under the previous order, there will be closing remarks on the bill with a vote on final passage to occur at approximately 9:40 a.m. Under the order, a vote in relation to the Frist amendment to the Labor-HHS appropriations bill will immediately follow the disposition of the disclosure bill.

As a reminder, there is a finite list of amendments to the Labor appropriations bill. Those Senators who have amendments on the list should work with the bill managers on a time to offer their amendments during tomorrow's session. Final passage on the bill is expected to occur by midafternoon.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. BROWNBACK. Mr. President, if there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 9:32 p.m., adjourned until Thursday, June 29, 2000, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate June 28, 2000:

DEPARTMENT OF DEFENSE

DONALD MANCUSO, OF VIRGINIA, TO BE INSPECTOR GENERAL, DEPARTMENT OF DEFENSE, VICE ELEANOR HILL.

CORPORATION FOR PUBLIC BROADCASTING

KENNETH Y. TOMLINSON, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR PUBLIC BROADCASTING FOR A TERM EXPIRING JANUARY 31, 2006, VICE HENRY J. CAUTHEN, TERM EXPIRED.