

(c) **APPLICABILITY.**—

(1) **IN GENERAL.**—With respect to a case filed after the date of enactment of this title, alleging liability of—

(A) a beryllium vendor or a contractor or subcontractor of a beryllium vendor for a covered beryllium illness or death of a covered beryllium employee; or

(B) an atomic weapons employer for a cancer (including a specified cancer) or death of a covered employee;

the plaintiff shall not be eligible for benefits under this title unless the plaintiff files such case within the applicable time limits in paragraph (2).

(2) **TIME LIMITS.**—

(A) **SUITS AGAINST BERYLLIUM VENDORS.**—Except as provided in subparagraph (B), a case described in paragraph (1)(A) shall be filed not later than the later of—

(i) 180 days after the date of enactment of this title; or

(ii) 180 days after the date the plaintiff first becomes aware that a covered beryllium illness or death of a covered beryllium employee may be connected to the exposure of the covered employee to beryllium in the performance of duty.

(B) **NEW DIAGNOSES.**—A new period of limitation under subparagraph (A)(ii) shall commence with each new diagnosis of a covered beryllium illness that is different from a previously diagnosed covered beryllium illness.

(C) **SUITS AGAINST ATOMIC WEAPONS EMPLOYERS.**—Except as provided in subparagraph (D), a case described in paragraph (1)(B) shall be filed not later than the later of—

(i) 180 days after the date of enactment of this title; or

(ii) 180 days after the date the plaintiff first becomes aware that a cancer (including a specified cancer) or death of a covered employee may be connected to the exposure of the covered employee to radiation in the performance of duty.

(D) **NEW DIAGNOSES.**—A new period of limitation under subparagraph (C)(ii) shall commence with each new diagnosis of a cancer (including a specified cancer) that is different from a previously diagnosed cancer.

(c) **WORKERS' COMPENSATION.**—This section does not apply to an administrative or judicial proceeding under a State or Federal workers' compensation statute subject to sections 3534 through 3538.

SEC. 3541. SUBROGATION OF THE UNITED STATES.

(a) **IN GENERAL.**—If a cancer (including a specified cancer), covered beryllium illness, chronic silicosis, disability, or death for which compensation is payable under this title is caused under circumstances creating a legal liability in a person other than the United States to pay damages, sections 8131 and 8132 of title 5, United States Code, shall apply, except to the extent specified in this title.

(b) **APPEARANCE OF EMPLOYEE.**—For the purposes of this title, the provision in section 8131 of title 5, United States Code, that provides that an employee required to appear as a party or witness in the prosecution of an action described in that section is in an active duty status while so engaged shall only apply to a Federal employee.

SEC. 3542. ENERGY EMPLOYEES' OCCUPATIONAL ILLNESS COMPENSATION FUND.

(a) **ESTABLISHMENT.**—There is hereby established on the books of the Treasury a fund to be known as the Energy Employees' Occupational Illness Compensation Fund. The Secretary of the Treasury shall transfer to the Fund from the general fund of the Treasury the amounts necessary to carry out the purposes of this title.

(b) **USE OF THE FUND.**—Amounts in the Fund shall be used for the payment of compensation under this title and other benefits and expenses authorized by this title or any extension or application thereof, and for payment of all expenses of the administration of this title.

(c) **COST DETERMINATIONS.**—(1) Within 45 days of the end of every quarter of every fiscal year, the Secretary of Labor shall determine the total costs of compensation, benefits, administrative expenses, and other payments made from the Fund during the quarter just ended; the end-of-quarter balance in the Fund; and the amount anticipated to be needed during the immediately succeeding two quarters for the payment of compensation, benefits, and administrative expenses under this title.

(2) In making the determination under paragraph (1), the Secretary of Labor shall include, without amendment, information provided by the Secretary of Energy and the Secretary of Health and Human Services on the total costs and amounts anticipated to be needed for their activities under this title.

(3) Each cost determination made in the last quarter of the fiscal year under paragraph (1) shall show, in addition, the total costs of compensation, benefits, administrative expenses, and other payments from the Fund during the preceding 12-month expense period and an estimate of the expenditures from the Fund for the payment of compensation, benefits, administrative expenses, and other payments for each of the immediately succeeding two fiscal years.

(d) **ASSURING AVAILABLE BALANCE IN THE FUND.**—Upon application of the Secretary of Labor, the Secretary of the Treasury shall advance such sums from the Treasury as are projected by the Secretary of Labor to be necessary, for the period of time equaling the date of a projected deficiency in the Fund through 90 days following the end of the fiscal year, for the payment of compensation and other benefits and expenses authorized by this title or any extension or application thereof, and for payment of all expenses of administering this title.

SEC. 3543. EFFECTIVE DATE.

This title is effective upon enactment, and applies to all claims, civil actions, and proceedings pending on, or filed on or after, the date of enactment of this title.

SEC. 3544. TECHNICAL AND CONFORMING AMENDMENTS.

(a) Section 1920 of title 18 is amended by inserting in the title "or Energy employee's" after "Federal employee's" and by inserting "or the Energy Employees' Occupational Illness Compensation Act of 2000" after "title 5".

(b) Section 1921 of title 18 is amended by inserting in the title "or Energy employees" after "Federal employees" and by inserting "or the Energy Employees' Occupational Illness Compensation Act of 2000" after "title 5".

(c) Section 210(a)(1) of the Energy Reorganization Act of 1974 (42 U.S.C. 5851(a)(1)) is amended by—

(1) in subparagraph (E), striking "or;" and inserting ";;",

(2) in subparagraph (F), striking the period and inserting ";; or", and

(3) after subparagraph (F) inserting a new subparagraph as follows:

"(G) filed an application for benefits or assistance under the Energy Employees Occupational Illness Compensation Act of 2000".

(d) Title II of the Department of Energy Organization Act (P.L. 95-91) is amended by adding at the end of the title the following:

"OFFICE OF WORKERS' COMPENSATION ADVOCATE

"SEC. 217. (a) There shall be within the Department an Office of Workers' Compensation Advocate. The Office shall be headed by a Director who shall be appointed by the Secretary. The Director shall be compensated at the rate provided for in level IV of the Executive Schedule under section 5315 of title 5, United States Code.

"(b) The Director shall be responsible for providing information, research reports, and studies to support the implementation of the Energy Employees' Occupational Illness Compensation Act of 2000. Not later than 90 days after the date of enactment of this section, the Director shall

enter into memoranda of agreement to provide for coordination of the efforts of the office with the Department of Labor and the Department of Health and Human Services.

"(c) The Director shall coordinate efforts within the Department to collect and make available to present and former employees of the Department and its predecessor agencies, present and former employees of contractors and subcontractors to the Department and its predecessor agencies, and other individuals who are or were present at facilities owned or operated by the Department or its predecessor agencies information on occupational conditions and exposures to health hazards. Such information shall include information on substances and their chemical forms to which employees may have been exposed, records and studies relevant to determining occupational hazards, raw dosimetry and industrial hygiene data, results from medical screening programs, accident and other relevant occurrence reports, and reports, assessments, or reviews by contractors, consultants, or external entities relevant to assessing risk of occupational hazards or illness.

"(d) If the Director determines that—

"(1) an entity within the Department or an entity that is the recipient of a Departmental grant, contract, or cooperative agreement possesses information necessary to carry out the provisions of the Energy Employees' Occupational Illness Compensation Act of 2000; and

"(2) the production and sharing of that information under the provisions of the Energy Employees' Occupational Illness Compensation Act of 2000 is being unreasonably delayed; the Director shall have the authority, notwithstanding section 3213 of the National Nuclear Security Administration Act, to direct such entity to produce expeditiously such information in accordance with the provisions of this section and the Energy Employees' Occupational Illness Compensation Act of 2000.

"(e) The Director shall take actions to inform and assist potential claimants under the Energy Employees' Occupational Illness Compensation Act of 2000, pursuant to section 3515(e) of such Act."

NATIONAL DAY OF REMEMBRANCE

Mr. NICKLES. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 336 submitted earlier today by Senator SNOWE.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 336) expressing the sense of the Senate regarding the contributions, sacrifices, and distinguished service of Americans exposed to radiation or radioactive material as a result of service in the Armed Forces.

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

Ms. SNOWE. Mr. President, this resolution is introduced to honor veterans exposed to radiation while serving in the U.S. military.

As many of my colleagues are no doubt aware, many veterans, veterans organizations, and scientists believe that exposure to environmental toxins or unknown diseases during military service has left thousands of veterans vulnerable to an array of disabilities and medical conditions. Over the years, Congress has responded to the concerns of veterans with claims resulting from service in nuclear testing areas, as well as Vietnam veterans suffering from exposure to Agent Orange, and Persian

Gulf veterans suffering with the Persian Gulf War Illness. Authority for the Department of Veterans Affairs to provide health care for diseases possibly linked to radiation has been made permanent.

The Department of Veterans Affairs is authorized by Congress to provide special priority for enrollment for health services to any veteran exposed to ionizing radiation while participating in the nuclear weapons testing program, or if he or she served with the U.S. occupation forces in Hiroshima or Nagasaki. These veterans are eligible to participate in the VA ionizing radiation registry examination program, under which the VA will perform a complete physical examination, including all necessary tests, for each veteran who requests it. The VA also pays compensation to veterans and their survivors if the veteran is determined to have a disability due to radiation exposure while in service.

Unfortunately, Mr. President, with some disorders, evidence of a service-connection is simply not conclusive. That is why Congress has in some cases permitted a "presumption" of a service-connection, so that veterans can be provided much-needed care, and given appropriate compensation, while science endeavors to verify whether a correlation can be established between military service and the subsequent development of a given medical disorder.

Authority for the Department of Veterans Affairs to provide medical treatment for diseases possibly linked to radiation has been made permanent by Congress. In 1987, Congress found that due to the fact that the evidence of exposure-level risk could not be conclusively verified, our national veterans benefits policy should depend on correlation of various diseases with radiation exposure. Public Law 100-321 included language establishing a presumption that 13 diseases would be presumed to be service-connected if they developed in veterans whose service histories included active duty in a "radiation-risk activity." Since 1987, the list established under Public Law 100-321 has been expanded to include additional diseases, totalling approximately 16.

Mr. President, the resolution I am introducing today would recognize the contributions, sacrifices, and distinguished service of Americans exposed to radiation or radioactive materials in the line of military duty and authorize a day of remembrance for these men and women.

From 1945 to 1963, the U.S. exploded approximately 235 nuclear devices, potentially exposing an estimated 220,000 military personnel to unknown levels of radiation. In addition, roughly 195,000 servicemembers have been identified as participants in the post-WWII occupation of Hiroshima and Nagasaki, Japan. Many of these veterans claimed that low levels of radiation released during the testing, or exposure to radiation in service in Hiroshima and Na-

gasaki, may be a cause of certain medical conditions that have developed since that service.

Under my resolution, Sunday July 16, 2000, the 55th anniversary of the first atomic explosion—the Trinity Shot in New Mexico—is designated as a "National Day of Remembrance" honoring veterans exposed to radiation in the line of military duty, and the President is urged to issue a proclamation observing the day and paying tribute to these Americans who have had to fight so hard to get the recognition and benefits they deserve. The measure also expresses the sense of the Senate that the Department of Veterans Affairs should take steps to ensure that veterans exposed to radiation in service to their country are awarded the benefits and services they deserve.

Mr. President, the nation has a solemn responsibility to veterans who are injured, or who incur a disease, while serving in the military, including the provision of health care, cash payments, and other benefits that may be awarded to veterans who experience disabilities resulting from military service. This precedent is well-established and should not be undercut or weakened.

I hope that my colleagues will join me in a strong show of support for this resolution and the men and women exposed to radiation in the line of duty.

Thank you, Mr. President, and I yield the floor.

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

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

The resolution (S. Res. 336) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 336

Whereas the Nation has a responsibility to veterans who are injured, or who incur a disease, while serving in the Armed Forces, including the provision of health care, cash compensation, and other benefits for such disabilities;

Whereas from 1945 to 1963, the United States conducted test explosions of approximately 235 nuclear devices, potentially exposing approximately 220,000 members of the Armed Forces to unknown levels of radiation, and approximately 195,000 members of the Armed Forces have been identified as participants in the occupation of Hiroshima and Nagasaki, Japan, after World War II;

Whereas many of these veterans later claimed that low levels of radiation released during such tests, or exposure to radiation during such occupation, may be a cause of certain medical conditions; and

Whereas Sunday, July 16, 2000, is the 55th anniversary of the first nuclear explosion, the Trinity Shot in New Mexico: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) July 16, 2000, should be designated as a "National Day of Remembrance" in order to

honor veterans exposed to radiation or radioactive materials during service in the Armed Forces; and

(2) the contributions, sacrifices, and distinguished service on behalf of the United States of the Americans exposed to radiation or radioactive materials while serving in the Armed Forces are worthy of solemn recognition.

PROGRAM

Mr. NICKLES. Mr. President, I would like to put all Members on notice that just under 40 amendments were filed on the marriage penalty reconciliation bill. Those votes will occur in stacked sequence beginning at 6:15 p.m. on Monday. Therefore, all Senators should prepare for a late night session on Monday with a lot of recorded votes.

Mr. REED. Mr. President, if I could ask my friend to yield, we have 40 amendments filed. I hope the Senator will work on his side as we will on our side. There is some duplication. It may not be necessary to have votes on each amendment. There may be other things that develop during Monday. We may not need all of those votes.

Mr. NICKLES. Mr. President, I concur with my friend and colleague from Nevada. I think for a lot of these amendments recorded votes are not necessary. A lot of these amendments will fall on procedure because they won't be germane to the reconciliation bill.

I will work with my friend from Nevada energetically to reduce the number of amendments on this side, as I am sure he will on the other side, to see if we can't expedite the matter and finish this reconciliation bill to provide marriage penalty relief for married couples, and hopefully complete it on Monday evening.

Mr. President, as a reminder, stacked votes are scheduled also for 9:45 a.m. on Tuesday with respect to the Interior bill. Therefore, Members should plan to stay in or around the Senate Chamber for those stacked votes on Tuesday morning as well. It is our intention to complete the interior bill on Tuesday and move to other matters.

We are going to have a busy couple of weeks. We had a fruitful week this week. We passed the Defense authorization bill. We almost completed the Interior bill. We completed the repeal of the death tax bill. This has been a good week. We have 2 more weeks prior to the August recess, which are going to be very aggressive. Next week we plan to take up the energy and water appropriations bill and the Agriculture appropriations bill.

ORDER FOR ADJOURNMENT

Mr. NICKLES. Mr. President, seeing no other Senators desiring to speak, I ask unanimous consent that the Senate stand in adjournment under the previous order following the remarks of Senators WELLSTONE and BRYAN.

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