

when it described the operations at this plant as a "messy" or "dirty" operation in terms of levels of radio-nuclides present.

Finally, NIOSH has informed claimants who worked at these sites or their survivors that if they are not interviewed as a part of the dose reconstruction process, it would "hinder" NIOSH's ability to conduct dose reconstruction for the claimant and may result in a dose reconstruction that "incompletely or inaccurately" estimates the radiation dose to which the energy employee named in the claim was exposed. So NIOSH is basically saying that they are relying on a former worker's memory or any information a survivor might have. What if the former worker cannot remember what he was exposed to or was never told? What if the survivor has no idea as to what materials the claimant might have been exposed? Keep in mind. Most of this happened anywhere from 40-60 years ago.

All of the previously mentioned points are evidence that the health of these workers was endangered and that an accurate dose reconstruction is not feasible. Therefore, I believe that the Mallinkrodt sites in Missouri should be designated as a Special Exposure Cohort.

To make matters even worse, the Department of Health and Human Services first published the Notice of Proposed Rulemaking (NPRM) concerning the Special Exposure Cohort on June 25, 2002, and as of today, January 27, 2004, this rule has yet to be finalized. Many of these former Mallinkrodt workers have died while waiting for the proposed SEC rule to be finalized, including some claimants who were waiting for dose reconstruction to be started or completed.

This is simply unacceptable! The EEOICPA was intended to provide long overdue compensation to these workers within a reasonable period of time. These brave workers answered the call and helped our nation win the Cold War. It is now time for our nation to help them and provide them with the immediate compensation that they deserve.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2047

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. FINDINGS.

Congress finds that—

(1) energy workers at the former Mallinkrodt facilities (including the St. Louis downtown facility, the Weldon Springs facility, and the Hematite facility) were exposed to levels of radio nuclides and radioactive materials that were much greater than the current maximum allowable Federal standards;

(2) the Mallinkrodt workers at the St. Louis site were exposed to excessive levels of

airborne uranium dust relative to the standards in effect during the time, and many workers were exposed to 200 times the preferred levels of exposure;

(3)(A) the chief safety officer for the Atomic Energy Commission during the Mallinkrodt-St. Louis operations described the facility as 1 of the 2 worst plants with respect to worker exposures;

(B) workers were excreting in excess of a milligram of uranium per day causing kidney damage; and

(C) a recent epidemiological study found excess levels of nephritis and kidney cancer from inhalation of uranium dusts;

(4) the Department of Energy has admitted that those workers were subjected to risks and had their health endangered as a result of working with these highly radioactive materials;

(5) the Department of Energy reported that workers at the Weldon Springs feed materials plant handled plutonium and recycled uranium, which are highly radioactive;

(6) the National Institute of Occupational Safety and Health admits that—

(A) the operations at the St. Louis downtown site consisted of intense periods of processing extremely high levels of radio nuclides; and

(B) the Institute has virtually no personal monitoring data for workers prior to 1948;

(7) the National Institute of Occupational Safety and Health has informed claimants and their survivors at those 3 sites that if they are not interviewed as a part of the dose reconstruction process, it—

(A) would hinder the ability of the Institute to conduct dose reconstruction for the claimant; and

(B) may result in a dose reconstruction that incompletely or inaccurately estimates the radiation dose to which the energy employee named in the claim had been exposed;

(8) the Department of Health and Human Services published the first notice of proposed rulemaking concerning the Special Exposure Cohort on June 25, 2002, and as of January 27, 2004, the rule has yet to be finalized; and

(9) many of those former workers have died while waiting for the proposed rule to be finalized, including some claimants who were waiting for dose reconstruction to be completed.

#### SEC. 2. DEFINITION OF MEMBER OF THE SPECIAL EXPOSURE COHORT.

Section 3621(14) of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7384(14)) is amended—

(1) by redesignating subparagraph (C) as subparagraph (D); and

(2) by inserting after subparagraph (B) the following:

"(C) The employee was so employed for a number of work days aggregating at least 45 workdays at a facility operated under contract to the Department of Energy by Mallinkrodt Incorporated or its successors (including the St. Louis downtown or 'Destrahan' facility during any of calendar years 1942 through 1958, the Weldon Springs feed materials plant facility during any of calendar years 1958 through 1966, and the Hematite facility during any of calendar years 1958 through 1969), and during the employment—

"(i)(I) was monitored through the use of dosimetry badges for exposure at the plant of the external parts of an employee's body to radiation; or

"(II) was monitored through the use of bioassays, in vivo monitoring, or breath samples for exposure at the plant to tritium radiation; or

"(ii) worked in a job that had exposures comparable to a job that is monitored, or should have been monitored, under standards

of the Department of Energy in effect on the date of enactment of this subparagraph through the use of dosimetry badges for monitoring external radiation exposures, or bioassays, in vivo monitoring, or breath samples for internal radiation exposures, at a facility."

#### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 295—CONGRATULATING THE NEW ENGLAND PATRIOTS ON THEIR VICTORY IN SUPER BOWL XXXVIII

Mr. KENNEDY (for himself, Mr. KERRY, Mr. REED, and Mr. CHAFEE) submitted the following resolution; which was considered and agreed to:

S. RES. 295

Whereas, on Sunday, February 1, Adam Vinatieri of the New England Patriots kicked the winning field goal with seven seconds remaining in the game to defeat the Carolina Panthers by the score of 32-29 in Super Bowl XXXVIII in Houston, Texas;

Whereas this victory is the second Super Bowl championship won by the Patriots in the past three years;

Whereas quarterback Tom Brady led the Patriots to victory in both those years, and was named Super Bowl Most Valuable Player in both years;

Whereas both of the Super Bowl victories were earned by the Patriots in the final seconds of the game on a field goal by Mr. Vinatieri;

Whereas the Patriots tied an NFL record by winning 15 consecutive games in the recent season;

Whereas Patriots Head Coach Bill Belichick and Assistant Coaches Romeo Crennel and Charlie Weiss brilliantly created successful game plans throughout the season, and Mr. Belichick was named the Coach of the Year in the National Football League;

Whereas extraordinary efforts by other Patriots players including Deion Branch, Troy Brown, David Givens, Ty Law, Willie McGinest, Richard Seymour, Antowain Smith, Mike Vrabel, and Ted Washington also contributed to the Super Bowl victory;

Whereas the New England Patriots offensive linemen, Matt Light, Joe Andruzzi, Dan Koppen, Russ Hochstein, and Tom Ashworth deserve great credit for protecting quarterback Tom Brady and for allowing no sacks of the quarterback in the Super Bowl game or in any of the other games in the post-season playoffs; and

Whereas Patriots owner Bob Kraft deserves great credit for his strong support of the team, and for his acknowledgement that the Super Bowl victory would not have been possible without the strong support of the millions of fans from New England.

*Resolved*, that the Senate of the United States congratulates the New England Patriots on winning Super Bowl XXXVIII.

#### NOTICES OF HEARINGS/MEETINGS

##### COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, February 4, 2004, at 9:30 a.m. in Room 485 of the Russell Senate Office Building to conduct a hearing on the President's Fiscal Year 2005 Budget Request.

Those wishing additional information may contact the Indian Affairs Committee at 224-2251.

## SUBCOMMITTEE ON NATIONAL PARKS

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that the following hearing has been scheduled before the Subcommittee on National Parks of the Committee on Energy and Natural Resources:

The hearing will be held on Thursday, February 5, 2004, at 2:30 p.m. in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on the following bills: H.R. 1446 and S. 1306, to support the efforts of the California Missions Foundation to restore and repair the Spanish colonial and mission-era missions in the State of California and to preserve the artworks and artifacts of these missions, and for other purposes; and H.R. 1521, to provide for additional lands to be included within the boundary of the Johnstown Flood National memorial in the State of Pennsylvania, and for other purposes.

Because of the limited time available for the hearings, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, SD-364 Dirksen Senate Office Building, Washington, DC 20510-6150.

For further information, please contact Tom Lillie at (202) 224-5161 or Pete Lucero at (202) 224-6293.

## PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. COLEMAN. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs will hold a hearing entitled "DOD Contractors Who Cheat on Their Taxes and What Should Be Done About It." The Subcommittee's hearings will examine Department of Defense (DOD) contractors who are abusing the Federal tax system by either failing to file tax returns or not paying their taxes. A recently completed General Accounting Office review of DOD contractors found that 27,100 contractors owed \$3 billion in back taxes. The purpose of the hearing is to identify the corrective actions that can be taken to ensure that DOD contractors pay the taxes they owe the Federal Government.

The hearings will take place on Thursday, February 12, 2004, at 9:30 a.m., in Room 342 of the Dirksen Senate Office Building. For further information, please contact Raymond V. Shepherd, III, Staff Director and Chief Counsel to the Permanent Subcommittee on Investigations, at 224-3721.

## SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. CRAIG. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Public Lands and Forests for the Committee on Energy and Natural Resources.

The hearing will be held on Thursday, February 12, at 2:30 p.m. in Room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on S. 1421, to authorize the subdivision and dedication of restricted land owned by Alaska Natives; S. 1466, to facilitate the transfer of land in the State of Alaska, and for other purposes; S. 1649, to designate the Ojito Wilderness Study Area as wilderness, to take certain land into trust for the Pueblo of Zia, and for other purposes; and S. 1910, to direct the Secretary of Agriculture to carry out an inventory and management program for forests derived from public domain land.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150.

For further information, please contact Dick Bouts 202-224-7545.

## AUTHORITY FOR COMMITTEES TO MEET

## COMMITTEE ON FINANCE

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet in open Executive Session during the session on Monday, February 2, 2004; to reconsider, pursuant to a unanimous consent agreement on October 1, 2003 the Chairman's Mark entitled, National Employee Savings and Trust Equity Guarantee Act. The Committee will also consider a Chairman's Mark entitled, Extension of Highway Trust Fund Provisions; and, S. 882, the Tax Administration Good Government Act of 2004.

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

## PRIVILEGE OF THE FLOOR

Mr. INHOFE. Madam President, I ask unanimous consent to grant floor privileges to the following fellows for the duration of floor consideration of the bill:

Gregory Murrill, Heideh Shahmoradi, Laura Berry, Mitch Surrent, John Stody, Wendy Parker, and William Boyd.

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

## CONGRATULATING THE NEW ENGLAND PATRIOTS

Mr. ALEXANDER. Mr. President, on behalf of the leader, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 295, submitted earlier today by Senators KENNEDY, KERRY, REED, and CHAFEE.

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

The legislative clerk read as follows:

A resolution (S. Res. 295) congratulating the New England Patriots on their victory in Super Bowl XXXVIII.

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

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

• Mr. KERRY. Mr. President, backed by the heartiest fans in the world, the New England Patriots are once again the greatest football team in the Nation. I want to join so many others in commending the Patriots for their marvelous and miraculous season, in which the team overcame injuries and a slow start to end up with a fifteen-game winning streak and a second Super Bowl championship in three years. From the wise stewardship of Bob Kraft and Bill Belichick to the Tom Brady-led offense and the Ty Law-led defense, the Patriots are a team in the fullest sense of the word. Congratulations also to the Carolina Panthers, who mad Super Bowl XXXVIII one of the most memorable season-ending games in U.S. professional sports history. •

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

• Mr. REED. Mr. President, on February 1, 2004, the New England Patriots defeated the Carolina Panthers, 32-29 in what has been already called one of the most exciting Super Bowls of all time. I commend the Patriots players, coaches and management for a thrilling victory. These Patriots have been a testament to successful teamwork, setting a wonderful example of self-sacrifice and unity, and showing us all what is possible when we work together, believe in each other, and collaborate for the greater good. The Patriots' embodiment of the team concept was needed to overcome the tenacious Carolina Panthers, who came back again and again in a spectacular effort.

The hard-earned victory in Super Bowl XXXVIII, the second in 3 years for the Patriots, was also their 15th consecutive win, putting the team in elite company as one of the greatest teams in NFL history. Amazingly, once again the New England region, and indeed, the entire country, were held on the edge of their seats as the Patriots kicker, Adam Vinatieri, won the game on a last second field goal. Indeed, Vinatieri has been a friend to my home State of Rhode Island, active in the Rhode Island Coalition Against Domestic Violence, D.A.R.E., and as a spokesperson for the Blue Cross & Blue Shield of Rhode Island's Teen Anti-Smoking Contest.

This Patriots team was led all season by their coach, Bill Belichick, who has masterminded victory after victory by stressing preparation, team work and adaptation. In the championship game the Patriots defense, arguably the team's best asset, was led by Ty Law,