

Flats if we had adequate documentation of radiation exposures for the years when it was producing nuclear-weapons components as well as for the more recent time when DOE and its contractors have been working to clean it up and prepare it for closure.

However, in fact there were serious shortcomings in the monitoring of Rocky Flats workers' radiation exposures and in the necessary recordkeeping—to say nothing of the slowness of the current administrative process for making the required determinations concerning links between exposure and employment.

This means there is a real risk that a significant number of Rocky Flats workers who should be able to benefit from the Act will not obtain its benefits in a timely manner or will be denied them entirely.

The bill would prevent this miscarriage of justice, by recognizing that Rocky Flats workers have been plagued by the same kinds of administrative problems that entangled workers at some other locations—administrative problems that were addressed through inclusion in the Act of the provisions related to the "Special Exposure Cohort."

My understanding of the need for this bill came from meeting with Rocky Flats workers and their representatives and from consulting experts.

I have particularly benefited from the great experience and expertise of Dr. Robert Bistline. Dr. Bistline has served as Program Manager of the Energy Department's Oversight of Radiation Protection Program at the Rocky Flats field office and has few if any peers in terms of his understanding of the problems addressed by the bill.

In particular, the bill reflects these aspects of Rocky Flats history—

Many worker exposures were unmonitored over the lifetime of the plant. Even within the past month a former worker from the 1950's was monitored under the Former Radiation Worker Program and found to have a significant internal deposition that had been undetected and unrecorded for more than 50 years.

No lung counter for detecting and measuring plutonium and americium in the lungs existed at Rocky Flats until the late 1960's. Without this equipment the very insoluble oxide forms of plutonium cannot be detected and a large number of workers had inhalation exposures that went undetected and unmeasured.

Exposure to neutron radiation was not monitored until the late 1950's and most of those measurements through 1970 have been found to be in error. In some areas of the plant the neutron doses were as much as 2 to 10 times as great as the gamma doses received by workers but only gamma doses were recorded. The old neutron films are being re-read but those doses have not yet been added to the workers records or been used in NIOSH's dose reconstructions for Rocky Flats workers.

Radiation exposures for many workers were not measured or were missing, therefore, the records are incomplete or estimated doses were assigned. There are many inaccuracies in the exposure records that NIOSH is using to determine whether Rocky Flats workers qualify for compensation under the Act.

The model that has been used for dose reconstruction by NIOSH in determining whether Rocky Flats workers qualify for compensation

under the Act is in error. The default values used for particle size and solubility of the internally deposited plutonium in workers are in error. Use of these erroneous values reduces the actual internal doses for claimants by as much as 3 to 10 times less than the Rocky Flats records and autopsy data indicate.

Some Rocky Flats workers, despite having worked with tons of plutonium and having known exposures leading to serious health effects, have been denied compensation under the Act as a result of potentially flawed calculations based on records that are incomplete or in error as well as the use of incorrect models.

Mr. Speaker, since early in my tenure in Congress I have worked to make good on promises of a fairer deal for the nuclear-weapons workers who helped America win the Cold War. That was why enactment and improvement of the compensation Act has been one of my top priorities. I saw this as a very important matter for our country—and especially 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 military mission has ended, and the Rocky Flats workers are pressing to complete the job of cleaning it up and preparing it for closure. But while they are taking care of the site, we in Congress need to take care of them and the others who worked there in the past.

That was the purpose of the compensation act. I am very proud that I was able to help achieve its enactment, but I am also aware that it is not perfect. Last year Congress made important changes that will remedy some of its shortcomings. This bill will make it better yet.

For the benefit of our colleagues, I am attaching an outline of the bill's provisions:

#### SECTION 1: SHORT TITLE, FINDINGS, AND PURPOSE

Subsection (a) provides a short title, "Rocky Flats Special Cohort Act."

Subsection (b) sets forth several findings regarding the need for the legislation.

Subsection (c) states the bill's purpose: "to revise the Energy Employees Occupational Illness Compensation Act so as to include certain past and present Rocky Flats workers as members of the special exposure cohort."

#### SECTION 2: DEFINITION OF MEMBER OF SPECIAL EXPOSURE COHORT

Subsection (a) amends section 3621(14) of the Energy Employees Occupational Injury Compensation Act (EEOICPA). The effect of the amendment is to provide that a person employed by the Department of Energy or any of its contractors for an aggregate of at least 250 work days at Rocky Flats before January 1, 2006 would be a "member of the Special Exposure Cohort." Under EEOICPA, a member of the special exposure cohort suffering from one of the cancers specified in the Act is covered by the Act if the cancer was contracted after the person began employment at a covered facility.

Subsection (b) provides that someone employed by the Energy Department or any of its contractors for an aggregate of at least 250 work days at Rocky Flats before January 1, 2006 may apply for compensation or benefits under EEOICPA even if the person had previously been denied compensation or benefits under the Act. This is to make clear that the subsection (a)'s change in the law will apply to people who had applied previously.

HONORING THE SERVICE OF PAUL KEARNS TO THE IDAHO NATIONAL ENGINEERING AND ENVIRONMENTAL LABORATORY

### HON. MICHAEL K. SIMPSON

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 2005

Mr. SIMPSON. Mr. Speaker, I rise today to thank Dr. Paul Kearns of Idaho Falls for his service as Laboratory Director of the Idaho National Engineering and Environmental Laboratory (INEEL).

On February 1, Paul's tenure as Laboratory Director will come to an end and I want to thank Paul and his wife Lynn for their contribution to Idaho. Paul has guided the INEEL through a time of great change and challenge and he has been a true friend and champion of the lab and its employees.

When Paul took over as INEEL Laboratory Director, he reached out to employees, DOE and the Idaho congressional delegation to improve communication and understanding. That effort has helped the INEEL grow and prosper under Paul's leadership.

Under Dr. Kearns' guidance, the research and development programs of the INEEL have experienced significant growth and so has the recognition of the lab's accomplishments. The growth in R&D programs coupled with a sterling safety and performance record give the new Idaho National Laboratory a strong foundation for future growth and success.

Paul has been a respected leader in Idaho serving as a member of Governor Kempthorne's Science and Technology Advisory Council and a board member of the Idaho Nature Conservancy.

Paul and the Bechtel team have been very good for Idaho and the INEEL and while their association with the lab will soon end, we want to thank them for their efforts and support. I want to wish Paul and Lynn all the best as they embark on new challenges and opportunities.

REGARDING THE INTRODUCTON OF SPIRIT CORRIDOR LEGISLATION

### HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 2005

Mr. UDALL of New Mexico. Mr. Speaker, it gives me great pleasure to rise today to introduce companion legislation to a bill being introduced by Senator BINGAMAN of New Mexico in the Senate. The Senator and I also introduced this legislation during the 108th Congress and I am hopeful that we will make further progress on this issue during this session.

I am also very pleased to be joined once again by my colleagues Mr. JERRY MORAN of Kansas, Mr. FRANK LUCAS of Oklahoma, Mr. MAC THORNBERRY, Mr. SILVESTRE REYES and Mr. RANDY NEUGEBAUER of Texas, and Mr. STEVE PEARCE, one of my colleagues in the New Mexico delegation, in introducing this legislation. Each of these Members were cosponsors last Congress and are demonstrating their commitment to achieving this corridor designation by joining me again.