services under contracts executed prior to March 25, 1998 ("‘satellite’ or direct broadcast services under contracts executed prior to December 31, 1998") and new satellite programming. A satellite is only considered a replacement satellite to the extent such contracts are equal to or less than the design life of the satellite.

"(2) GLOBAL MARITIME DISTRESS AND SAFETY SERVICES OR GMROSS.—The term ‘global maritime distress and safety services’ or ‘GMROSS’ means any ship-to-ship or shore-to-ship distress and search and rescue operational system that provides global distress alerting to the worldwide shipping community."

Mr. SCHUMER. Mr. President, I rise today to speak about the Satellite Home Viewer Act, which is part of the Intellectual Property and Communications Omnibus Reform Act of 1999. There are approximately half a million direct broadcast satellite households in New York State that have been disadvantaged by the restrictions currently facing satellite service providers. There are countless others who would like the privilege of having satellite service as a multi-channel video program provider.

Earlier this year, direct broadcast satellite customers in many areas of New York State had their local network service shut-off as a result of a court order. This meant that satellite service customers were unable to receive their local news, weather, and major broadcast stations from their local broadcast companies. We now have a bill that will allow direct broadcast satellite companies the ability to provide direct broadcast satellite programming. For small, rural communities, it is imperative that residents be allowed to receive notice of local events, like school closings, weather reports, cultural happenings, and local business developments. In addition, New York is one of the two states that will benefit from retroactive local programming via satellites.

For residents of New York rural counties like Allegany, Chenango, Clinton, Niagara, Ulster, and many others, that rely on distant broadcast network programming because they are typically unable to receive over-the-air broadcast signals, this bill allows them to continue to receive far-away broadcast stations.

While I am pleased that we were able to pass the Satellite Home Viewer Act before it expired on December 31, 1999, I hope we will continue to further its progress. The federal loan provision that was included during conference, and regrettably taken out of the Senate conference report, must be revisited. It is my understanding that the Senate Banking committee plans on holding hearings next year to ensure that multi-channel service providers are encouraged to extend satellite service to rural and underserved communities. I look forward to working with my colleagues on that committee to make sure my constituents in Western and Northern New York have the same viewing options as those in downtown New York.

Ms. COLLINS. Mr. President, I ask unanimous consent the Senate agree to the amendment of the House, request a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate.

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

There being no objection, the Presiding Officer appointed Mr. MCCAIN, Mr. STEVENS, Mr. BURNS, Mr. HOLLINGS, and Mr. NOYEE conferees on the part of the Senate.

RADIATION EXPOSURE COMPENSATION ACT AMENDMENTS OF 1999

Ms. COLLINS. Mr. President, I now ask unanimous consent the Senate proceed to the consideration of Calendar No. 370, S. 1515.

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

The legislative clerk read as follows:

A bill (S. 1515) to amend the Radiation Exposure Compensation Act, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on the Judiciary, with an amendment; as follows:

(The part of the bill intended to be inserted is shown in italic.)

S. 1515

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Radiation Exposure Compensation Act Amendments of 1999”.

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 determined 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 the employees of 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 1998 (38 U.S.C. 101 note), and obtained from the Committee on the Biological Effects of Ionizing Radiations, and the National Aeronautics and Space Administration’s Human Radiation Experiments provide medical validation for the extension of compensable radiogenic pathologies.

(5) above-ground uranium miners, millers and individuals who were determined 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 the individuals from 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) 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) participated onsite in a test involving the atmospheric detonation of a nuclear device; and

(iii) submits written documentation that such individual developed leukemia.

(b) CLAIMS RELATING TO UNDERGROUND NUCLEAR TESTING.—Section 4(a)(2) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended to read as follows:

“(2) CLAIMS RELATING TO UNDERGROUND NUCLEAR TESTING.—

(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) was physically present in an affected area for a period of at least 1 year during the period beginning on June 30, 1962, and ending on July 31, 1962; or

(ii) participated onsite in a test involving the atmospheric detonation of a nuclear device and

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

(A) who is described in subclause (i) or (II) of subparagraph (A)(I) shall receive $75,000; or

(B) who is described in subclause (III) of subparagraph (A)(II) shall receive $75,000.

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

(1) 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.

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 "within 2 years after "above-ground and individual"; and

(B) by amending subparagraph (C) to read as follows:
"(C) in the State of Arizona, the counties of Coconino, Tovarnel, Navajo, Apache, and Gila; 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 examination),";

(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 "saliary 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 by adding at the end the following:

"(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 vanadium-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 submitted written medical documentation that the individual after that exposure, developed lung cancer or a nonmalignant respiratory disease or malignancy and not a heavy smoker; or

(ii) was a miller or ore transporter who worked for at least 1 year during the period described under clause (i) and submitted written medical documentation that the individual, after that exposure, developed lung cancer or a nonmalignant respiratory disease or malignancy; and

(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; and

(B) the State submits an application to the Department of Justice to include such State.

(3) PAYMENT REQUIREMENT.—Each payment under subsection (b) 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 "cor pulmonale;"

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

(iii) by striking "and" at the end of the paragraph;

(B) by striking paragraph (4) and inserting a semicolon; and

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

(d) DETERMINATION AND PAYMENT OF CLAIMS,—

(1) 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.

(2) DETERMINATION AND PAYMENT OF CLAIMS,—

(A) in general.—For purposes of this Act, a written diagnosis made by a physician described in clause (i) 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.

(B) CERTAIN WRITTEN DIAGNOSES.—

(i) in general.—For purposes of this Act, a written diagnosis made by a physician described in clause (i) of a nonmalignant pulmonary disease 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 the Indian Health Service or the Department of Veterans Affairs; or

(II) has 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 (i) 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:—

"(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.

(2) DETERMINATION AND PAYMENT OF CLAIMS,—

(A) in general.—For purposes of this Act, a written diagnosis made by a physician described in clause (i) 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.

(B) CERTAIN WRITTEN DIAGNOSES.—

(i) in general.—For purposes of this Act, a written diagnosis made by a physician described in clause (i) 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.

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

"(A) 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 shall be considered to be conclusive evidence of that disease.

(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.—If determining those individuals eligible to receive compensation by virtue of marriage, relationship, or survivorship, such determination shall take into consideration the effect to establish laws and customs 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 of 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;";

(C) by adding at the end the following:

"(2) ADDITIONAL INFORMATION.—The Attorney General shall ensure that an approved affidavit is received from any claimant under this Act, or from any individual or entity on behalf of any such claimant, any reasonable additional information or documentation of claims as described in 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).

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

"(i) beginning on the date on which the Attorney General receives a request for additional information or documentation under paragraph (1); 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 documentation"

(4) PAYMENT WITHIN 6 WEEKS.—The Attorney General shall ensure that any 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(o) 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 enactment of the Radiation Exposure Compensation Act Amendments of 1999, 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 Amendments of 1999 (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—

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

(2) that 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 for compensation under this Act shall be deemed filed as of the date of its receipt by the Attorney General;"

(2) by adding at the end the following:

"(B) TERMINATION OF CLAIMS.—After the date of enactment of the Radiation Exposure Compensation Act Amendments of 1999, 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 5 times. Any request for review or action on claims before the date of enactment of the Radiation Exposure Compensation Act Amendments of 1999 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—

(A) IN GENERAL.—Section 8(a) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended by striking "10 years after the date of the enactment of this Act" and inserting "22 years after the date of enactment of the Radiation Exposure Compensation Act Amendments of 1999".

(B) INCREASE IN FUND.—Section 8(b) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended by striking "1 percent" and inserting "2 percent".

(C) AFFIDAVITS.—An affidavit referred to in paragraph (1) shall be deemed filed as of the date of its receipt by the Attorney General. The Attorney General shall ensure that an approved affidavit is received from any claimant under this Act, or from any individual or entity acting on behalf of any such claimant, any reasonable additional information or documentation under this Act."

(h) 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).

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

"(i) beginning on the date on which the Attorney General receives the affidavit described in such subsection.

"(ii) ending on the date on which the Attorney General renders a determination or resubmittal of a claim for consideration by the Attorney General in accordance with this Act; and

(iii) excluding from the preceding sentence any resubmittal made before the date of the applicable period associated with request for such review."

(i) RESUBMITTAL OF CLAIMS.—After the date of enactment of the Radiation Exposure Compensation Act Amendments of 1999, any resubmittal made before the date of enactment of the Radiation Exposure Compensation Act Amendments of 1999 shall not be applied to the limitation under the preceding sentence."

(j) INCREASE IN FUND.—Section 8(b) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended by striking "10 years after the date of enactment of this Act" and inserting "22 years after the date of enactment of the Radiation Exposure Compensation Act Amendments of 1999".

(k) ATTORNEY FEES LIMITATIONS.—Section 9 of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended in the first sentence by striking "10 per centum" and inserting "2 per cent."

(l) GAO REPORTS.—

"(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, and every 6 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 RADIgenic 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 RADIgenic CANCERS AND DISEASES.

"(a) DEFINITION.—In this section the term 'entity' means the Department of Energy, the National Cancer Institute-designated cancer center, the Department of Veterans Affairs hospital or medical center, the Federally Qualified Health Center, community health center, or hospital;

"(b) 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.

"(c) ADMINISTRATION.—The Secretary shall award such grants to entities as the Secretary determines to be appropriate.