

My fellow colleagues, it's clear to me that the Ohio State motto is analogous to the beloved phrase "In God We Trust"—our national motto, displayed prominently above the seat of our own Speaker of the House of Representatives. With God all things are possible, especially the United States of America.

Mr. CHABOT. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the motion offered by the gentleman from Ohio (Mr. CHABOT) that the House suspend the rules and agree to the resolution, H. Res. 494.

The question was taken.

Mr. CHABOT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RADIATION EXPOSURE COMPENSATION ACT AMENDMENTS OF 2000

Mr. CANNON. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1515) to amend the Radiation Exposure Compensation Act, and for other purposes, as amended.

The Clerk read as follows:

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 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, associ-

ated 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 that 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),”; and

(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 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 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 2 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”; and

(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 information 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 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 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 3 times. Any resubmittal made before the date of 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 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 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 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 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."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. CANNON) and the gentleman from Massachusetts (Mr. FRANK) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. CANNON).

GENERAL LEAVE

Mr. CANNON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

Mr. CANNON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Senate 1515, the Radiation Exposure Compensation Act Amendments of 2000 updates a similar 1990 law. The law now compensates individuals exposed to radiation from either being downwind of a nuclear test blast or engaged in the mining of uranium during the Cold War.

The legislation we are considering today increases the number of radiogenic and chronic diseases compensable under the 1990 act. This bill increases the number of individuals and States eligible for compensation in accordance with the scientific and medical information gathered over the past decade.

S. 1515 responds to concerns raised by exposed victims and their survivors, data from the scientific and medical communities, information gained from the Department of Justice administering the program, and the Government's responsibility to see that all individuals seeking just compensation are eligible. S. 1515 makes the needed changes in the existing law to give compensation to more individuals harmed by the Government's nuclear arms testing programs.

S. 1515 would amend the Radiation Exposure Compensation Act of 1990. The 1990 act provides payments to certain civilian individuals exposed to radiation between 1947 and 1971. Those individuals include underground uranium miners, individuals present at nuclear blast test sites, and individuals who experienced fallout from those blasts in certain geographical areas, known as downwinders.

Compensation is based on documented proof of the individual's presence in each location and on the occurrence of certain cancers and diseases associated with each type of exposure to radiation. In the case of uranium miners, they had to have experienced a certain level and length of radiation exposure as well.

S. 1515 would expand the number of individuals who could receive payment under the act to include aboveground uranium miners, uranium millers, and ore transporters. It would also make changes to the current law to address inadequacies in the program that have been apparent over time.

In 1995, the President's Advisory Committee on Human Radiation Experiments released its review of the

history of radiation experiments and testing and made recommendations for appropriate government responses to their findings. S. 1515 addresses the concerns raised by the advisory committee.

Congress has a duty to revisit this act periodically to assure that all individuals who should be covered are included based on new science as it becomes available. This legislation revises the act to address those deficiencies that we now know exist due to information and scientific data recently gathered.

The bill before us today contains a manager's amendment which embodies language worked out between the majority and the minority of the Committee on the Judiciary concerning attorneys fees and technical and conforming changes. The attorneys fees provision has been changed from a 2 percent restriction on attorneys fees to 2 percent restriction on attorneys fees if only one application needs to be submitted under the act after enactment, a 10 percent restriction on attorneys fees if more than one application needs to be submitted under the act after enactment, and a 10 percent restriction on attorneys fees for any cases where a contract for services is already in place prior to enactment.

This legislation is supported by the Navajo RECA Reform Working Group, the Pueblo of Acoma, the Colorado Plateau Uranium Workers, and the Western States RECA Reform Coalition.

Mr. Speaker, I understand that the Radiation Exposure Compensation Act is an ongoing piece of legislation. It is likely that as we learn and document more of the effects of radiation exposure, we will once again revisit the issue. In particular, I recognize there are other counties where people believe they should be included. I am committed to helping these counties document the extent of their problems and amending the act again if we come to realize that they should be covered. I look forward to working with members of the other body, the gentleman from Illinois (Chairman HYDE) and others to continue to improve the Radiation Exposure Compensation Act.

This legislation will probably allow compensation to go to approximately 9,600 individuals who lost their health, and in many cases their lives, working to further this country's nuclear defense program. These people and their families need our help now.

Mr. Speaker, I urge my colleagues to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as is often the case, I find myself in substantial agreement with what my colleague had just said. And in what is not often enough the

case, for that reason I do not intend to repeat any of it. I realize this is a violation, if not of the rules of the House, of its norms. But I will nonetheless carry that out.

Mr. Speaker, I was particularly pleased that the committee agreed to a modification of the language involving legal fees. We have all agreed to try and send this back over to the other body and work together to get it enacted. The gentleman is correct that further work needs to be done, but this is a great improvement.

Mr. Speaker, I reserve the balance of my time.

Mr. CANNON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Massachusetts (Mr. FRANK) for his comments. Did the gentleman not have someone who wanted to speak on his side?

Mr. FRANK of Massachusetts. Mr. Speaker, if the gentleman would yield, I appreciate his solicitude; but I do not have subpoena power and there is nobody here. There are some people who are going to submit statements. There were people who wanted to come, but they were called to votes elsewhere.

Mr. CANNON. Mr. Speaker, reclaiming my time, I received a communication from the gentleman from New Mexico (Mr. SKEEN), my friend and colleague and tireless worker on this bill. I would like to summarize some of his comments.

Mr. Speaker, the gentleman from New Mexico and I both want to thank several people for their involvement in this bill. First of all, Mr. Hicks and his wife, Mr. Paul Hicks and his wife, Delfina Hicks. I am confident that Paul, who has since passed away, is looking down on the floor of the House today and smiling on the fruits of his tireless efforts.

Paul, who was from Grants, New Mexico, was first a uranium miner, then a lead miner, a shift boss, and then finally a mine foreman. However, his most important work was saved for post-retirement when he began his tireless efforts to amend the Radiation Exposure Compensation Act, by serving as the president of the New Mexico Uranium Workers Council and sacrificing his time and finances to help others. Those efforts are directly reflected in the legislation before us today.

While Paul was a vocal and effective voice for the plight of the uranium miners and millers, he had lots of support from those on whose behalf he fought, numerous individuals in the private and political realm who worked towards the same goal.

Former Congressman Bill Redmond introduced the legislation on which much of S. 1515 is modeled and which resulted in the legislation the gentleman from New Mexico (Mr. SKEEN) introduced in this Congress, H.R. 1516.

Navajo Nation President Kelsey Begaye and Vice President Taylor McKenzie put the resources of the Nation to work for the countless Navajo miners and millers. In addition, Melton Martinez, Ben Shelley, Lori Goodman, and numerous others worked tirelessly to better the lives of miners and millers whose health suffered as a result of their time in the mines and mills.

Mr. Speaker, the bottom line is that this legislation, like all others, is the result of the efforts of many to obtain a common goal. I am confident that the changes in eligibility requirements, amount of working level exposure, medical documentation, addition of fallout compensation, consideration of Native American law, and addition of millers and transport workers to those eligible for compensation will make a real difference to those who quietly served their country in the uranium mines of the West.

Finally, I want to thank the gentleman from Illinois (Chairman HYDE), the gentleman from Texas (Mr. SMITH), the subcommittee chairman, and subcommittee staffer Cindy Blackstone for their support and assistance in moving this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first, I join in the deserved accolades for Cindy Blackstone for her work, because there was a little glitch that she helped iron out. And I note that the gentleman from New Mexico (Mr. UDALL) had intended to make a statement. He was called to a committee vote, and I know under General Leave he will be submitting a statement.

Mr. Speaker, I yield back the balance of my time.

Mr. CANNON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from New Mexico (Mr. UDALL) was going to speak on the floor. I had hoped that we would have the opportunity to have a colloquy. TOM is the son of Stewart Udall, who was the visionary lawyer who brought the lawsuits in the first case for the downwinders and others and that resulted in the legislation that is before us.

I have always felt close to TOM in particular. He is a Westerner, but I had the great privilege of serving in my first legal job in Washington, DC, as a clerk to Mr. Stewart Udall on this very case. And so I take this back over 2 decades when I first began. I will say that having read all of the documentation of all the meetings that were held as it related to the downwinders and the potential injury that was caused by our efforts, often covert during the Cold War, to expand our knowledge and understanding and our stores of nuclear weapons, that we as a Nation

have a serious obligation to the people who suffered, sometimes ignorantly, but nevertheless with serious disease and life-threatening, in fact, life-ending health problems; that we as a Nation owe those people what this bill allows for.

Mr. Speaker, it is people like Stewart Udall who saw the problem and worked tirelessly to move that problem forward.

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So I think this bill and this amendment should be a tribute to Mr. Stewart Udall, the father of the gentleman from New Mexico (Mr. UDALL).

Mr. Speaker, I yield to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, just to once again agree with the gentleman from Utah (Mr. CANNON), and I can attest to Mr. Stewart Udall's continued vigor and use of the telephone from personal experience.

Mr. UDALL of New Mexico. Mr. Speaker, I speak today in support of S. 1515, the Radiation Exposure Compensation Act Amendments of 2000. This revision is an important step in improving the program to compensate uranium workers, atomic veterans, and those who were exposed to fallout from atmospheric testing of nuclear weapons.

In 1990, Congress first accepted responsibility for the cancers caused by exposure to radioactive materials from our nuclear programs. The Radiation Exposure Compensation Act (RECA) provided payments to individuals who suffered from diseases as a result of their exposure to radiation in connection with the federal government's nuclear weapons program. Although the original legislation was a good first step, the existing compensation program has proven to place an additional burden on the radiation victims. Progress on implementing RECA has been impeded by criteria for compensation that is far more stringent than for other groups for which compensation is provided.

These brave workers were essential to our national security efforts. The U.S. Atomic Energy Commission was the sole purchaser of the uranium ore and knew in the early 1950's that levels of radon and uranium dust in the mines were unhealthy. We also knew atmospheric fallout was dangerous. These brave people, the uranium miners, millers, and transporters, and the "downwinders" were used as atomic guinea pigs. The United States owes a debt of gratitude to the workers and their families who unknowingly sacrificed their health to help win the Cold War. I have listened to many of these victims, who have bravely fought their cancers and the U.S. Government for justice.

The Senate bill addresses some, not all, concerns with the current RECA program. Mr. HATCH's bill revises RECA in the following ways:

Includes residents of areas where atmospheric nuclear testing was conducted;

Streamlines current payments schedules by requiring the government to pay compensation to eligible victims within six weeks;

Authorizes a grant program to provide for the early detection, prevention, and education of diseases caused by radiation exposure;

Expands coverage to include uranium millers in addition to miners;

Expands current criteria for victims of radiation exposure to include a wider variety of covered cancers.

Although I support these improvements, the bill I introduced in the House last year would have done much more to provide justice for the victims of radiation-induced diseases. The bill we are voting on today must be accepted or rejected in total, without any amendments. As the Judiciary Committee stated at their markup of the bill, RECA is a work in progress. Therefore, in order to ensure immediate and badly needed improvements in the RECA program, I support the Senate bill. However, we all agree and recognize that improvements need to be made to the Radiation Exposure Compensation Act. I am especially concerned that uranium workers employed between 1971 to 1990 are not covered under this bill nor under current law and that the level of compensation remains at \$100,000.

My bill would have increased compensation to \$200,000, which more fairly covers the medical expenses, hardships, and lost income to the victims. My bill also contained provisions to address victims of experiments who were exposed to radiation without their consent, and would have shifted the burden of proof off the victims onto the Government. Other changes in my bill would have removed the smoking distinction, and included workers exposed after 1971. Especially important was the requirement to take into consideration and incorporate, to the fullest extent feasible, the compensation claims process for Navajo claimants to conform to Navajo law, tradition, and customs. For example, claims should be based on traditional ties of family.

One of the champions in this fight was a man by the name of Paul Hicks. He passed away recently and is unable to be with us and witness this victory. I also want to thank the Navajo Nation, President Kelsey A. Begaye, Vice-President Taylor McKenzie, Speaker Edward T. Begay, Mr. Phillip Harrison, Mr. Gilbert Badoni, Mrs. Sarah Benally, and Mr. Melton Martinez and all the others who have worked so hard on this effort.

The Navajos are taught to respect, honor, and take care of their elders. We can do no less. Many of these workers are now dying. They desperately need justice. They cannot afford to wait for Congress to act. We need to pass this bill. Justice delayed is justice denied.

Mr. CONYERS. Mr. Speaker, I strongly support S. 1515, "The Radiation Exposure Compensation Act Amendments of 2000," which updates the 1990 law that currently compensates individuals exposed to radiation by either being downwind of a nuclear test blast or by being involved in the mining of uranium ore during the Cold War.

Uranium is used by our Government in the production of nuclear weapons. This legislation increases the number of radiogenic and chronic diseases compensable under the Act. The bill also increases the number of individual and states eligible for compensation based on scientific and medical information gathered over the past decade.

I would like to address the issue of attorneys' fees in the bill. The original version of the bill reduces the 10% limitation on attor-

neys' fees to 2%. While I generally do not support limitations on attorneys' fees, I will not oppose the compromise language in the manager's amendment that was reached between Representatives FRANK, SMITH, and HYDE. The compromise language reduces the 10% limitation on attorneys' fees in the bill to 2%, but retains the 10% limitation in existing cases and in cases where there is a resubmission of a denied claim.

Ms. JACKSON-LEE of Texas. Mr. Speaker, the bill before us today is important because it relieves suffering and pain that is brought on by illness. Illness that was contracted due to activity by the United States government. S. 1515, the "Radiation Exposure Compensation Act Amendments of 1999." On October 15, 1990, Congress passed the Radiation Exposure Compensation Act of 1990 (RECA), which provided for compassionate payments to individuals who suffered from specified diseases presumably as a result of exposure to radiation in connection with the federal government's nuclear weapons testing program. Among those eligible for compensation under the Act are individuals who were employed in underground uranium mines in Arizona, Colorado, New Mexico, Utah or Wyoming during the 1947 to 1971 time period, who were exposed to specified minimum levels of radon, and who contracted specified lung disorders. The Department of Justice administers the RECA through the Radiation Exposure Program.

The bill before us today, The Radiation Exposure Compensation Act Amendments of 1999, would reform and expand the 1990 law which was enacted to provide fair and swift compensation for those miners and downwinders who contracted certain radiation-related illnesses. Primary changes to RECA outlined in this bill include: expanding the list of compensable diseases to include new cancers, including leukemia, thyroid and brain cancer. It also includes certain non-cancer diseases, including pulmonary fibrosis. Medical science has been able to link these diseases to uranium mining in the 10 years since the enactment of the original RECA.

This bill is a positive step in the right direction. However, I do have several concerns. The first is to point out that the Congressional Budget Office has scored this at almost \$1 billion over the course of five years. The CBO has estimated that this bill will cost \$500 million in the next three years. If this bill is going to pass, then the appropriators must do their job to ensure that the RECA fund has enough money to administer these claims, and relieve the suffering of these claimants.

When RECA was initially passed in 1990, the principal authors of the legislation recognized that the federal government owed a special duty under RECA to the Navajo uranium miners due to the violation during the mining operations of the government's trust responsibilities. Thousands of men who were members of the Navajo nation who worked in these mines not only were uniformed of the extreme dangers of uranium (which is harmful if touched, inhaled, or digested), but were ordered into the mine by the American contractors immediately after blasting, when uranium dust was thick in the air. Headaches and

nosebleeds resulted, and many of these Navajo miners still suffer the long term effects of their experience.

S. 1515 requires the Department of Justice to take Native American law and customs into account when deciding these claims. This legislation also directs the Justice Department to be more attuned to the culture and customs of American Indian claimants.

Since the RECA trust fund began making awards in 1992, the Justice Department has approved a total of 3,135 claims valued at nearly \$232 million. In New Mexico, there have been 371 claims approved with a value of nearly \$37 million. The Radiation Exposure Compensation Trust Fund is designed to compensate victims and their families who were affected by radiation fall-out from open air nuclear testing and radiation mining from the 1950s through the 1970s. This legislation extends the trust fund and establishes a grant program to states for education, prevention, and early detection of radiogenic cancers and diseases.

This is a good bill and I fully support its passage.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the motion offered by the gentleman from Utah (Mr. CANNON) that the House suspend the rules and pass the Senate bill, S. 1515, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

A motion to reconsider was laid on the table.

CERTIFIED DEVELOPMENT COMPANY PROGRAM IMPROVEMENTS ACT OF 2000

Mrs. KELLY. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 533) providing for the concurrence by the House with an amendment in the amendment of the Senate to H.R. 2614.

The Clerk read as follows:

H. RES. 533

Resolved, That upon the adoption of this resolution the House shall be considered to have taken from the Speaker's table the bill H.R. 2614, with the amendment of the Senate thereto, and to have concurred in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed to be inserted by the amendment of the Senate, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Certified Development Company Program Improvements Act of 2000".

SEC. 2. WOMEN-OWNED BUSINESSES.

Section 501(d)(3)(C) of the Small Business Investment Act of 1958 (15 U.S.C. 695(d)(3)(C)) is amended by inserting before the comma "or women-owned business development".

SEC. 3. MAXIMUM DEBENTURE SIZE.

Section 502(2) of the Small Business Investment Act of 1958 (15 U.S.C. 696(2)) is amended to read as follows:

"(2) LOAN LIMITS.—Loans made by the Administration under this section shall be limited to \$1,000,000 for each such identifiable

small business concern, other than loans meeting the criteria specified in section 501(d)(3), which shall be limited to \$1,300,000 for each such identifiable small business concern."

SEC. 4. FEES.

Section 503(f) of the Small Business Investment Act of 1958 (15 U.S.C. 697(f)) is amended to read as follows:

"(f) EFFECTIVE DATE.—The fees authorized by subsections (b) and (d) shall apply to any financing approved by the Administration during the period beginning on October 1, 1996 and ending on September 30, 2003."

SEC. 5. PREMIER CERTIFIED LENDERS PROGRAM.

Section 217(b) of the Small Business Administration Reauthorization and Amendments Act of 1994 (15 U.S.C. 697e note) is repealed.

SEC. 6. SALE OF CERTAIN DEFAULTED LOANS.

Section 508 of the Small Business Investment Act of 1958 (15 U.S.C. 697e) is amended—

(1) in subsection (a), by striking "On a pilot program basis, the" and inserting "The";

(2) by redesignating subsections (d) though (i) as subsections (e) though (j), respectively;

(3) in subsection (f) (as redesignated by paragraph (2)), by striking "subsection (f)" and inserting "subsection (g)";

(4) in subsection (h) (as redesignated by paragraph (2)), by striking "subsection (f)" and inserting "subsection (g)"; and

(5) by inserting after subsection (c) the following:

"(d) SALE OF CERTAIN DEFAULTED LOANS.—

"(1) NOTICE.—

"(A) IN GENERAL.—If, upon default in repayment, the Administration acquires a loan guaranteed under this section and identifies such loan for inclusion in a bulk asset sale of defaulted or repurchased loans or other financings, the Administration shall give prior notice thereof to any certified development company that has a contingent liability under this section.

"(B) TIMING.—The notice required by subparagraph (A) shall be given to the certified development company as soon as possible after the financing is identified, but not later than 90 days before the date on which the Administration first makes any record on such financing available for examination by prospective purchasers prior to its offering in a package of loans for bulk sale.

"(2) LIMITATIONS.—The Administration may not offer any loan described in paragraph (1)(A) as part of a bulk sale, unless the Administration—

"(A) provides prospective purchasers with the opportunity to examine the records of the Administration with respect to such loan; and

"(B) provides the notice required by paragraph (1)."

SEC. 7. LOAN LIQUIDATION.

(a) LIQUIDATION AND FORECLOSURE.—Title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.) is amended by adding at the end the following:

"SEC. 510. FORECLOSURE AND LIQUIDATION OF LOANS.

"(a) DELEGATION OF AUTHORITY.—In accordance with this section, the Administration shall delegate to any qualified State or local development company (as defined in section 503(e)) that meets the eligibility requirements of subsection (b)(1) of this section the authority to foreclose and liquidate, or to otherwise treat in accordance with this section, defaulted loans in its portfolio that are funded with the proceeds of debentures guar-

anteed by the Administration under section 503.

"(b) ELIGIBILITY FOR DELEGATION.—

"(1) REQUIREMENTS.—A qualified State or local development company shall be eligible for a delegation of authority under subsection (a) if—

"(A) the company—

"(i) has participated in the loan liquidation pilot program established by the Small Business Programs Improvement Act of 1996 (15 U.S.C. 695 note), as in effect on the day before the date of issuance of final regulations by the Administration implementing this section;

"(ii) is participating in the Premier Certified Lenders Program under section 508; or

"(iii) during the 3 fiscal years immediately prior to seeking such a delegation, has made an average of not fewer than 10 loans per year that are funded with the proceeds of debentures guaranteed under section 503; and

"(B) the company—

"(i) has 1 or more employees—

"(I) with not less than 2 years of substantive, decision-making experience in administering the liquidation and workout of problem loans secured in a manner substantially similar to loans funded with the proceeds of debentures guaranteed under section 503; and

"(II) who have completed a training program on loan liquidation developed by the Administration in conjunction with qualified State and local development companies that meet the requirements of this paragraph; or

"(ii) submits to the Administration documentation demonstrating that the company has contracted with a qualified third-party to perform any liquidation activities and secures the approval of the contract by the Administration with respect to the qualifications of the contractor and the terms and conditions of liquidation activities.

"(2) CONFIRMATION.—On request, the Administration shall examine the qualifications of any company described in subsection (a) to determine if such company is eligible for the delegation of authority under this section. If the Administration determines that a company is not eligible, the Administration shall provide the company with the reasons for such ineligibility.

"(c) SCOPE OF DELEGATED AUTHORITY.—

"(1) IN GENERAL.—Each qualified State or local development company to which the Administration delegates authority under subsection (a) may, with respect to any loan described in subsection (a)—

"(A) perform all liquidation and foreclosure functions, including the purchase in accordance with this subsection of any other indebtedness secured by the property securing the loan, in a reasonable and sound manner, according to commercially accepted practices, pursuant to a liquidation plan approved in advance by the Administration under paragraph (2)(A);

"(B) litigate any matter relating to the performance of the functions described in subparagraph (A), except that the Administration may—

"(i) defend or bring any claim if—

"(I) the outcome of the litigation may adversely affect management by the Administration of the loan program established under section 502; or

"(II) the Administration is entitled to legal remedies not available to a qualified State or local development company, and such remedies will benefit either the Administration or the qualified State or local development company; or

"(ii) oversee the conduct of any such litigation; and