By Mr. UDALL of Colorado (for himself, Mr. BENNET, and Mr. UDALL of New Mexico):

S. 757. A bill to amend the Energy Employees Occupational Illness Compensation Program Act of 2000 to expand the category of individuals eligible for compensation, to improve the procedures for providing compensation, and to improve transparency, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. UDALL of Colorado. Mr. President, today I am introducing the Charlie Wolf Nuclear Workers Compensation Act. It is a bill designed to improve a program to compensate Americans who are gravely ill because they were exposed to radiation or other toxins while working in our Cold War-era nuclear weapons complex.

This is an issue that is important to many Coloradans because of the work done at Rocky Flats outside of Denver. The compensation program has a number of serious flaws, and I have worked on solutions for several years now.

The bill I am introducing includes a number of provisions that I introduced last session in the House of Representatives with my Colorado colleague, Representative ED PERLMUTTER. This year, I expanded on those provisions and added others to help these workers finally get the assistance they deserve under this program.

We named the bill for Charlie Wolf, who was one of thousands of workers during the Cold War era, who risked their health in order to build America's nuclear arsenal. And I believe his story illustrates why we should do better by these workers—and why I have introduced this bill.

Charlie worked as an engineer at Rocky Flats—and before that, at the Savannah River Site in South Carolina. He—and the thousands of other workers like him—are Cold War veterans. As controversial as their work often was, they were also patriotic Americans who did more for our country than collect a paycheck.

They believed that their work was keeping the world safe from the Soviet threat—and keeping this country strong. And they were right.

But their work was also dangerous. As a result of radiation and toxins he was exposed to on the job, Charlie developed brain cancer a little over 6 years ago. He was given 6 months to live—but he hung on for 6 years.

During all of those 6 years, he and his family fought with the Federal government to get the compensation that he was promised—and that he deserved.

Charlie's struggles were documented by the Rocky Mountain News in a series of stories called ''Deadly Denial.'' That title, unfortunately, has come to symbolize the troubles with this compensation program.

I have heard from many former workers, who—like Charlie and his family—have been subjected to repeated delays, lost records, complex exposure formulas, and other roadblocks.

We simply cannot—and should not—subject these workers—patriotic people who put themselves in harm's way to help secure our nation—through these kinds of obstacles and difficulties.

It is shameful and, frankly, enough is enough.

This Congress recognized that we should compensate our Cold Warriors and certain survivors who put their health and life on the line to serve our Nation during the Cold War. We created the EEOICPA program to carry out that compensation.

I was among those who strongly supported the EEOICPA provisions that were finally enacted into law in 2000.

But the next year brought a new administration that, regrettably, did not advocate for the program as the Clinton administration had.

Simply put, the program is not working the way it was intended.

As a result, while many people have received benefits under the program, too many face inexcusable obstacles as they try—often in old age or while struggling with the effects of cancer or other serious illnesses—to prove they qualify for benefits.

More than 9 years after we enacted EEOICPA, workers have died without receiving the health care or compensation they deserve.

In fact, a combination of missing records and bureaucratic red tape has prevented many workers from accessing any compensation for their serious illnesses.

I now look forward to working with the Obama administration to correct problems with this compensation program.

The bill I am introducing this week is part of that ongoing effort.

The Charlie Wolf Act is designed to expand the category of individuals eligible for compensation, improve the procedures for providing compensation and transparency, and grant the Office of the Ombudsman greater authority to help workers.

I would like to explain a couple of the provisions in a little more detail.

First, it would revise the part of the EEOICPA law that specifies which covered workers are part of what is known as a ''special exposure cohort'' designation under the law.

The revision would extend this ''special exposure cohort'' status to Department of Energy employees, Department of Energy contractor employees,

or atomic weapons employees who worked at a nuclear weapons facility prior to January 1, 2006.

Being included in a special exposure cohort would help make it easier for workers to establish that their radiation-linked cancer was the result of working at one of these facilities.

Second, the bill would change the burden of proving that a radiation-linked cancer was the result of workplace exposure to toxic materials.

As the law now stands, before a worker can receive benefits, they must establish that the cancer is as likely as not to have resulted from on-the-job exposure to radiation.

While that sounds like a reasonable requirement, many workers have learned that we have not adequately documented radiation exposures over the years.

In fact, there were serious shortcomings in the monitoring of nuclear weapons plant workers' radiation exposures and in the necessary record-keeping. Also, the current administrative process for determining links between exposure and employment is terribly slow.

Many worker exposures were unmonitored or under-monitored over a nuclear weapons plant's history. As such, the current law requires these workers to seek ''dose reconstructions''—essentially using some extrapolated data modeling to re-create the sorts of exposures experienced.

But ''dose reconstructions'' are extremely difficult, slow and arduous for the worker and the agency. The process drags out, while workers like Charlie suffer and wait for compensation they need—in some cases, to help them pay for cancer treatments or care for other deadly illnesses.

This is wrong. We owe these workers better than that.

My bill fixes that problem by presuming that a worker with a covered radiation-linked cancer is eligible for compensation. And it puts the burden of proof on the agency.

So, unless the agency can show—by clear and convincing evidence—that their cancer was not caused by exposure while working at a nuclear weapons facility, that worker would be eligible for compensation.

It may seem like this is asking to prove a negative, but I believe that it requires the federal agency to prove that the cancer may have been the result of other factors. I think it is more appropriate to place this burden on the federal government—and not the ill worker.

Third, the bill expands the list of cancers for which individuals are eligible to receive compensation. The current law fails to recognize some cancers that could legitimately be caused by exposure to toxic materials at these sites.

The bill also requires the Department of Labor to pay a claimant's estate should a claimant die after filing their claim—but before receiving payment and leaving no survivors.

Finally, the bill makes a number of other changes that are all designed to make this process more user-friendly and helpful to claimants.

It expands the duties of the Ombudsman's Office, providing greater transparency and communication with claimants, and allowing more time to file legal actions should claims be denied.

It also allows claimants who were previously denied to re-file their claims.

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. This is an important matter for our country. It is literally a life-or-death issue for the Coloradans who are sick today because of their work at Rocky Flats.

The Charlie Wolf Act will not remedy all the shortcomings of the current law, but it will make it better.

I hope to work with my colleagues in the Senate, who have constituents who face situations similar to that of Charlie and his family. I hope for swift action from both Congress and the administration to keep our promises to these workers and their families.

Charlie Wolf and his family deserve better, as do all of the Americans who have made similar scarifies and been subjected to similar struggles.

Charlie's widow, Kathy, told me this week that Charlie carried on his fight out of principle because he didn't want other workers to have to fight the country they worked so hard to protect.

I am proud to continue to work on behalf of Charlie's family and his memory. I urge my colleagues to cosponsor or support this worthwhile legislation and honor our Cold War heroes.

I would like to thank Senator MICHAEL BENNET of Colorado and Senator TOM UDALL of New Mexico for joining me as original cosponsors of this bill.

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

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

S. 757

Refer to Thomas Web site, http://thomas.loc.gov/, for text of bill