VA-HUD APPROPRIATIONS/Atomic Veteran Disease Presumptions

SUBJECT: **Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Bill for fiscal year 2000 . . . H.R. 2684. Wellstone amendment No. 1789.**

ACTION: AMENDMENT AGREED TO, 76-18

SYNOPSIS: As amended, H.R. 2684, the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Bill for fiscal year 2000, will provide a net of $97.8 billion in new budget authority, including emergency funding, which is $3.1 billion more than provided last year and $1.9 billion less than requested. Funds will not be spent to implement the Kyoto Protocol, and the Environmental Protection Agency will provide detailed information on any spending related to climate change. The bill will provide $19.0 billion for veterans medical care ($1.7 billion more than requested by the Clinton/Gore Administration; $600 million of that amount will be contingent on an emergency declaration from the President; for related debate, see vote Nos. 285-286). Details are provided below.

- Department of Veterans Affairs, $44.350 billion ($23.4 billion mandatory and $20.35 billion discretionary), including $23.555 for the Veterans Benefits Administration.
- Housing and Urban Development, $27.156 billion, including: $10.855 billion to renew expiring Section 8 housing contracts ($4.2 billion of which will be fiscal year 2001 advance appropriations; if all expiring Section 8 vouchers are renewed next year, these advance appropriations will cause a shortfall in next year's bill of more than $8 billion; the Administration requested advance funding); funding will not be provided for new Section 8 vouchers; $4.8 billion for Community Development Block Grants; $310 million for Drug Elimination Grants; and $1.6 billion for the HOME Investment Partnership Program.
- National Aeronautics and Space Administration (NASA), $13.578 billion, including $2.483 billion for the Space Station Program; NASA's accounts will be restructured to increase cost and program accountability of the Space Station Program.
- Environmental Protection Agency (EPA), $7.332 billion, including $1.4 billion for the Superfund Program.
- Federal Emergency Management Agency (FEMA), $854.6 million, of which $300 million will be for disaster relief (the recent

(See other side)

YEAS (76)				NAYS (18)		NOT VOTING (6)	
Republican (33 or 65%)		Democrats (43 or 100%)		Republicans (18 or 35%)	Democrats (0 or 0%)	Republicans (4)	Democrats (2)
Abraham	Hatch	Akaka	Kennedy	Allard		Inhofe-[2]	Inouye-[2]
Ashcroft	Hutchinson	Baucus	Kerrey	Bond		Mack-[2]	Rockefeller-[2]
Bennett	Hutchison	Bayh	Kerry	Campbell		McCain-[2]	
Brownback	Jeffords	Biden	Kohl	Chafee		Nickles-[2]	
Bunning	Lugar	Bingaman	Landrieu	Cochran			
Burns	Roberts	Boxer	Lautenberg	Enzi			
Collins	Roth	Breaux	Leahy	Gorton			
Coverdell	Santorum	Bryan	Levin	Gramm			
Craig	Sessions	Byrd	Lieberman	Gregg			
Crapo	Smith, Bob (I)	Cleland	Lincoln	Helms			
DeWine	Smith, Gordon	Conrad	Mikulski	Kyl			
Domenici	Snowe	Daschle	Moynihan	Lott			
Fitzgerald	Specter	Dodd	Murray	McConnell			
Frist	Stevens	Dorgan	Reed	Murkowski			
Grams	Thompson	Durbin	Reid	Shelby			
Grassley	Warner	Edwards	Robb	Thomas			
Hagel		Feingold	Sarbanes	Thurmond			
		Feinstein	Schumer	Voinovich			
		Graham	Torricelli				
		Harkin	Wellstone				
		Hollings	Wyden				
		Johnson					

EXPLANATION OF ABSENCE:
1—Official Business
2—Necessarily Absent
3—Illness
4—Other

SYMBOLS:
AY—Announced Yea
AN—Announced Nay
PY—Paired Yea
PN—Paired Nay

practice has been to spend billions of dollars each year on disaster relief; in most cases, disaster assistance that is not budgeted for in the regular appropriations bills is given in supplemental bills as emergency funding that need not be offset).

- National Science Foundation, $3.921 billion.
- Corporation for National and Community Service (AmeriCorps), $423.5 million (for related debate, see vote No. 286).
- Other provisions include the following: it is the sense of the Senate that treatment at veterans health care facilities in rural and urban areas should be the same; it is the sense of the Senate that the decline in funding for aeronautics research and development should be reversed; funds from this Act will not be used to promulgate a final regulation to implement changes in the payment of pesticide tolerance processing fees; funding will be increased for the Office of Federal Housing Enterprise Oversight to ensure adequate oversight of government sponsored enterprises; and additional funding will be provided for efforts to reduce waste, fraud, and abuse by the Department of Housing and Urban Development.

The Wellstone amendment would express the sense of the Senate that "lung cancer, colon cancer, and brain and central nervous system cancer should be added to the list of radiogenic diseases that are presumed by the Department of Veterans Affairs to be service-connected disabilities."

NOTE: After the vote, the bill, as amended, was passed by voice vote.

Those favoring the amendment contended:

About fifty years ago, at the start of the nuclear era, the Defense Department exposed thousands of soldiers to radiation during weapons experiments. For instance, in 1952 the Army sent soldiers from the 216th Chemical Service Company to measure fallout at or near ground zero immediately after a nuclear blast. They were exposed to so much radiation that their Gieger counters went off the scale. They had minimal or no protective gear, and they did not wear film badges to measure the level of radiation to which they were exposed. None of them were given information of the danger of walking through radiated areas or of breathing radioactive particles. Afterwards, they were sworn to secrecy. No medical follow up was provided to make sure they were not harmed by the exposure.

The Veterans Affairs Department and the Department of Defense say that most of these so-called "atomic" veterans' exposure to radiation was less than 5 rems. A low-level dose of radiation exposure is usually estimated as being under 10 rems. The VA, based on that 5-rem threshold, has denied all but 50 of the 18,000 claims that have been filed by veterans and their survivors based on harm from radiation exposure.

There are two huge problems with the VA's claim denials. First, because radiation exposure was not measured when it occurred, the VA has had to try to determine the level of exposure retroactively, and it has done a poor job. Scientists are in broad agreement that the VA's dose reconstruction methodology is unreliable. Second, the National Cancer Institute has determined that there is strong evidence of a link between exposure to low levels of ionizing radiation and certain illnesses, particularly a few specific forms of cancer. In other words, the claim that these veterans who were walking around at ground zero after nuclear blasts were exposed only to minimal levels of radiation is suspect, and, even if true, there is strong evidence that even minimal levels of radiation exposure increase the risks of getting specific types of cancer.

The Wellstone amendment would simply express the sense of the Senate that the VA should accept as valid all claims by veterans who have been exposed to radiation and who have any of three specific types of cancer that have been linked to exposure to minimal levels of radiation. This action would not be unprecedented; for instance, Congress has already required that when veterans get certain illnesses the VA is required to treat those illnesses as service-connected if those veterans were exposed to Agent Orange. This particular amendment will not impose a requirement, because that action would violate the Rule XVI prohibition on legislation on appropriations bills, but we are hopeful that a strong vote in favor of this amendment will prod the VA into making this change on its own. We urge our colleagues to support this amendment and, if it does not lead to a change in VA practice, to join us later in enacting a change to permanent law that will force the VA to treat more fairly those veterans who were exposed to radiation.

Those opposing the amendment contended:

Our colleagues are playing doctor with this amendment by second-guessing the informed medical opinion of the doctors and scientists at the VA. The medical evidence just does not show that atomic veterans are getting the specific illnesses listed in this amendment due to their exposure to radiation. Our colleagues care deeply about the health of these veterans, as do we, but it is not enough to care; one must also be right or unintended harm will result. Passing this amendment would result in an additional $500 million in entitlement payments over the next 5 years. We ought not to spend half a billion of the taxpayers' money to meet a need that has not even been shown to exist; we should not do so even if we really, really care. We are not qualified to make this medical judgment. We urge the rejection of this amendment.