

107TH CONGRESS
1ST SESSION

S. 898

To make technical amendments to the Radiation Exposure Compensation Act (42 U.S.C. 2210 note), provide compensation to certain claimants under such Act, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 16 (legislative day, MAY 15), 2001

Mr. HATCH (for himself, Mr. DOMENICI, and Mr. DASCHLE) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To make technical amendments to the Radiation Exposure Compensation Act (42 U.S.C. 2210 note), provide compensation to certain claimants under such Act, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. RADIATION EXPOSURE COMPENSATION TECH-**
4 **NICAL AMENDMENTS.**

5 (a) IN GENERAL.—The Radiation Exposure Com-
6 pensation Act (42 U.S.C. 2210 note) is amended—

1 (1) in section 4(b)(1)(C), by inserting “, and
2 that part of Arizona that is north of the Grand Can-
3 yon” after “Gila”;

4 (2) in section 4(b)(2)—

5 (A) by striking “lung cancer (other than in
6 situ lung cancer that is discovered during or
7 after a post-mortem exam),”; and

8 (B) by striking “or liver (except if cirrhosis
9 or hepatitis B is indicated).” and inserting
10 “liver (except if cirrhosis or hepatitis B is indi-
11 cated), or lung.”;

12 (3) in section 5(a)(1)(A)(ii)(I), by inserting “or
13 worked for at least 1 year during the period de-
14 scribed under clause (i)” after “months of radi-
15 ation”;

16 (4) in section 5(a)(2)(A), by striking “an Atom-
17 ic Energy Commission” and inserting “a”;

18 (5) in section 5(b)(5), by striking “or lung can-
19 cer”;

20 (6) in section 5(c)(1)(B)(i), by striking “or lung
21 cancer”;

22 (7) in section 5(c)(2)(B)(i), by striking “or lung
23 cancer”;

24 (8) in section 6(e)—

1 (A) by striking “The” and inserting “Ex-
2 cept as otherwise authorized by law, the”; and

3 (B) by inserting “, mill, or while employed
4 in the transport of uranium ore or vanadium-
5 uranium ore from such mine or mill” after “ra-
6 diation in a uranium mine”;

7 (9) in section 6(i), by striking the second sen-
8 tence;

9 (10) in section 6(j), by adding at the end the
10 following: “Not later than 180 days after the date
11 of enactment of the Radiation Exposure Compensa-
12 tion Act Amendments of 2000, the Attorney General
13 shall issue revised regulations to carry out this
14 Act.”;

15 (11) in section 6, by adding at the end the fol-
16 lowing:

17 “(m) SUBSTANTIATION BY AFFIDAVITS.—

18 “(1) IN GENERAL.—The Attorney General shall
19 take such action as may be necessary to ensure that
20 the procedures established by the Attorney General
21 under this section provide that a substantiation may
22 be made by an individual filing a claim under those
23 procedures by means of an affidavit described under
24 paragraph (2), in addition to any other material that
25 may be used to substantiate—

1 “(A) employment history for purposes of
2 determining working level months; or

3 “(B) the residence of an individual filing a
4 claim under section 4.

5 “(2) AFFIDAVITS.—An affidavit referred to
6 under paragraph (1) is an affidavit that—

7 “(A) meets such requirements as the At-
8 torney General may establish; and

9 “(B) is made by a person other than the
10 individual filing the claim that attests to the
11 employment history or residence of the claim-
12 ant.”;

13 (12) in section 7, by amending subsection (b) to
14 read as follows:

15 “(b) CHOICE OF REMEDIES.—No individual may re-
16 ceive more than 1 payment under this Act.”; and

17 (13) by adding at the end the following:

18 **“SEC. 14. GAO REPORTS.**

19 “(a) IN GENERAL.—Not later than 18 months after
20 the date of enactment of the Radiation Exposure Com-
21 pensation Act Amendments of 2000, and every 18 months
22 thereafter, the General Accounting Office shall submit a
23 report to Congress containing a detailed accounting of the
24 administration of this Act by the Department of Justice.

1 “(b) CONTENTS.—Each report submitted under this
2 section shall include an analysis of—

3 “(1) claims, awards, and administrative costs
4 under this Act; and

5 “(2) the budget of the Department of Justice
6 relating to this Act.”.

7 (b) CONFORMING AMENDMENTS.—Section 3 of the
8 Radiation Exposure Compensation Act Amendments of
9 2000 (Public Law 106–245) is amended by striking sub-
10 sections (e) and (i).

11 **SEC. 2. COMPENSATION FOR CERTAIN CLAIMANTS UNDER**
12 **THE RADIATION EXPOSURE COMPENSATION**
13 **ACT.**

14 (a) IN GENERAL.—Section 3630 of the Energy Em-
15 ployees Occupational Illness Compensation Program Act
16 of 2000, as enacted into law by Public Law 106–398, is
17 amended to read as follows:

18 **“SEC. 3630. SEPARATE TREATMENT OF CERTAIN CLAIM-**
19 **ANTS UNDER THE RADIATION EXPOSURE**
20 **COMPENSATION ACT.**

21 “(a) COMPENSATION PROVIDED.—An individual who
22 receives, or has received, a payment under section 4 or
23 5 of the Radiation Exposure Compensation Act (42 U.S.C.
24 2210 note) for a claim made under that Act (in this sec-
25 tion referred to as a ‘covered individual’), or the survivor

1 of that covered individual if the individual is deceased,
2 shall receive compensation under this section in the
3 amount of \$50,000.

4 “(b) MEDICAL BENEFITS.—A covered individual
5 shall receive medical benefits under section 3629 for the
6 illness for which that individual received a payment under
7 section 4 or 5 of that Act.

8 “(c) COORDINATION WITH RECA.—The compensa-
9 tion and benefits provided in subsections (a) and (b) are
10 separate from any compensation or benefits provided
11 under that Act.

12 “(d) PAYMENT FROM COMPENSATION FUND.—The
13 compensation provided under this section, when author-
14 ized or approved by the President, shall be paid from the
15 compensation fund established under section 3612.

16 “(e) SURVIVORS.—(1) Subject to the provisions of
17 this section, if a covered individual dies before the effective
18 date specified in subsection (g), whether or not the death
19 is a result of the illness specified in subsection (b), a sur-
20 vivor of that individual may, on behalf of that survivor
21 and any other survivors of that individual, receive the com-
22 pensation provided for under this section.

23 “(2) The right to receive compensation under this
24 section shall be afforded to survivors in the same order

1 of precedence as that set forth in section 8109 of title 5,
 2 United States Code.

3 “(f) PROCEDURES REQUIRED.—The President shall
 4 establish procedures to identify and notify each covered
 5 individual, or the survivor of that covered individual if that
 6 individual is deceased, of the availability of compensation
 7 and benefits under this section.

8 “(g) EFFECTIVE DATE.—This section shall take ef-
 9 fect on July 31, 2001, unless Congress provides otherwise
 10 in an Act enacted before that date.”.

11 (b) TECHNICAL AND CONFORMING AMENDMENTS.—
 12 (1) The table of sections for the Energy Employees Occu-
 13 pational Illness Compensation Program Act of 2000 is
 14 amended by striking the item relating to section 3630 and
 15 inserting the following:

“Sec. 3630. Separate treatment of certain claimants under the Radi-
 ation Exposure Compensation Act.”.

16 (2) Section 3641 of the Energy Employees Occupa-
 17 tional Illness Compensation Program Act of 2000, as en-
 18 acted into law by Public Law 106–398, is amended—

19 (A) by striking “covered uranium employee”
 20 and inserting “covered individual”; and

21 (B) by adding at the end the following: “Noth-
 22 ing in this section shall be construed to offset any
 23 payment of compensation under section 3630 and

1 any payment under the Radiation Exposure Com-
2 pensation Act (42 U.S.C. 2210 note).”.

3 **SEC. 3. ATTORNEY FEES.**

4 Section 3648(b)(2) of the Energy Employees Occupa-
5 tional Illness Compensation Program Act of 2000, as en-
6 acted into law by Public Law 106–398, is amended to read
7 as follows:

8 “(2) 10 percent with respect to—

9 “(A) any claim with respect to which a
10 representative has made a contract for services
11 before the date of enactment of this Act; or

12 “(B) a resubmission of a denied claim.”.

13 **SEC. 4. RADIATION EXPOSURE COMPENSATION.**

14 Section 3(e) of the Radiation Exposure Compensation
15 Act (42 U.S.C. 2210 note) is amended—

16 (1) in the subsection heading by striking the
17 first 2 words and inserting “INDEFINITE”; and

18 (2) by striking “authorized to be”.

19 **SEC. 5. REPORTS BY THE NATIONAL RESEARCH COUNCIL.**

20 (a) **CONTRACT FOR REPORTS.**—Not later than 60
21 days after the date of enactment of this Act, the Attorney
22 General of the United States shall enter into a contract
23 with the National Research Council to submit reports in
24 accordance with subsection (b).

1 (b) REPORTS.—Not later than December 31, 2002,
2 and not later than December 31 of each year thereafter
3 through 2010, the National Research Council shall submit
4 a report, in accordance with the contract entered into
5 under subsection (a), to Congress that—

6 (1) reviews the most recent scientific informa-
7 tion relating to radiation exposure and related can-
8 cers; and

9 (2) makes any recommendation to—

10 (A) reduce the length of radiation exposure
11 requirements; or

12 (B) include types of cancer or classes of in-
13 dividuals to be covered by the Radiation Expo-
14 sure Compensation Act (42 U.S.C. 2210 note).

15 (c) AUTHORIZATION OF APPROPRIATIONS.—There
16 are authorized to be appropriated to carry out this
17 section—

18 (1) \$600,000 for fiscal year 2001; and

19 (2) such sums as may be necessary for fiscal
20 years 2001 through 2011.

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