

117TH CONGRESS  
1ST SESSION

# S. 1025

To establish a presumption of occupational disease for certain employees at the Department of Energy, to refine the definition of compensable illnesses, to establish a research program, and for other purposes.

---

## IN THE SENATE OF THE UNITED STATES

MARCH 25, 2021

Mrs. MURRAY (for herself, Mr. MANCHIN, Mr. LUJÁN, and Mr. HEINRICH) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

---

## A BILL

To establish a presumption of occupational disease for certain employees at the Department of Energy, to refine the definition of compensable illnesses, to establish a research program, 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. SHORT TITLE.**

4 This Act may be cited as the “Toxic Exposure Safety  
5 Act of 2021”.

1 **SEC. 2. ESTABLISHING A TOXIC SPECIAL EXPOSURE CO-**  
2 **HORT.**

3 (a) EXPANSION OF COVERED EMPLOYEES AND DEFI-  
4 NITION OF COVERED ILLNESSES UNDER SUBTITLE E.—  
5 Section 3671 of the Energy Employees Occupational Ill-  
6 ness Compensation Program Act of 2000 (42 U.S.C.  
7 7385s) is amended—

8 (1) in paragraph (1)—

9 (A) by striking “employee determined  
10 under” and inserting the following: “employee  
11 determined—

12 “(A) under”;

13 (B) by striking the period at the end and  
14 inserting “; or”; and

15 (C) by adding at the end the following:

16 “(B) to have contracted a covered illness  
17 and be a member of the Toxic Special Exposure  
18 Cohort established under section 3671A.”; and

19 (2) by striking paragraph (2) and inserting the  
20 following:

21 “(2) The term ‘covered illness’ means an occu-  
22 pational illness or death resulting from exposure to  
23 a toxic substance, including—

24 “(A) all forms of cancer;

25 “(B) malignant mesothelioma;

1           “(C) pneumoconiosis, including silicosis,  
2           asbestosis, and other pneumoconiosis, and other  
3           asbestos-related diseases, including asbestos-re-  
4           lated pleural disease;

5           “(D) any illness identified in a health stud-  
6           ies report under section 5(f)(4) of the Toxic Ex-  
7           posure Safety Act of 2021 or a report under  
8           section 3615(f)(2)(D); and

9           “(E) any additional illness that the Sec-  
10          retary of Health and Human Services des-  
11          ignates by regulation, as such Secretary deter-  
12          mines appropriate based on—

13                 “(i) the results of the report under  
14                 section 3671A(c); and

15                 “(ii) the determinations made by such  
16                 Secretary in establishing a Toxic Special  
17                 Exposure Cohort under section 3671A.”.

18          (b) DESIGNATION OF TOXIC SPECIAL EXPOSURE CO-  
19          HORT.—Subtitle E of the Energy Employees Occupational  
20          Illness Compensation Program Act of 2000 (42 U.S.C.  
21          7385s et seq.) is amended by inserting after section 3671  
22          the following:

1 **“SEC. 3671A. ESTABLISHMENT OF THE TOXIC SPECIAL EX-**  
2 **POSURE COHORT.**

3 “(a) CERTAIN DESIGNATIONS.—The Secretary of  
4 Health and Human Services, acting through the Director  
5 of the Centers for Disease Control and Prevention—

6 “(1) shall establish a Toxic Special Exposure  
7 Cohort; and

8 “(2) as the Secretary determines appropriate in  
9 accordance with the rules promulgated under sub-  
10 section (b), may designate classes of Department of  
11 Energy employees, Department of Energy contractor  
12 employees, or atomic weapons employees as members  
13 of the Toxic Special Exposure Cohort.

14 “(b) PROMULGATION OF RULES.—Not later than 1  
15 year after the date of enactment of the Toxic Exposure  
16 Safety Act of 2021, the Secretary of Health and Human  
17 Services shall promulgate rules—

18 “(1) establishing a process to determine wheth-  
19 er there are classes of Department of Energy em-  
20 ployees, Department of Energy contractor employ-  
21 ees, or other classes of employees employed at any  
22 Department of Energy facility—

23 “(A) who were at least as likely as not ex-  
24 posed to toxic substances at a Department of  
25 Energy facility; and

1           “(B) for whom the Secretary of Health  
2           and Human Services has determined, after tak-  
3           ing into consideration the recommendations of  
4           the Advisory Board on Toxic Substances and  
5           Worker Health on the matter, that it is not fea-  
6           sible to estimate with sufficient accuracy the  
7           frequency, intensity, and duration of exposure  
8           they received; and

9           “(2) regarding how the Secretary of Health and  
10          Human Services will designate employees, or classes  
11          of employees, described in paragraph (1) as mem-  
12          bers of the Toxic Special Exposure Cohort estab-  
13          lished under subsection (a)(1), which shall include a  
14          requirement that the Secretary shall make initial de-  
15          terminations regarding such designations.

16          “(c) REPORT TO CONGRESS.—

17                 “(1) IN GENERAL.—Not later than 180 days  
18                 after the date of enactment of the Toxic Exposure  
19                 Safety Act of 2021, the Secretary of Health and  
20                 Human Services shall submit to the relevant com-  
21                 mittees of Congress a report that identifies each of  
22                 the following:

23                         “(A) A list of cancers and other illnesses  
24                         associated with toxic substances that pose, or

1 posed, a hazard in the work environment at any  
2 Department of Energy facility.

3 “(B) The minimum duration of work re-  
4 quired to qualify for the Toxic Special Exposure  
5 Cohort established under subsection (a)(1).

6 “(C) The class of employees that are des-  
7 ignated as members in the Toxic Special Expo-  
8 sure Cohort.

9 “(2) RELEVANT COMMITTEES OF CONGRESS  
10 DEFINED.—In this subsection, the term ‘relevant  
11 committees of Congress’ means—

12 “(A) the Committee on Armed Services,  
13 Committee on Appropriations, Committee on  
14 Energy and Natural Resources, and the Com-  
15 mittee on Health, Education, Labor, and Pen-  
16 sions of the Senate; and

17 “(B) the Committee on Armed Services,  
18 Committee on Appropriations, Committee on  
19 Energy and Commerce, and the Committee on  
20 Education and Labor of the House of Rep-  
21 resentatives.”.

22 (c) ALLOWING SUBTITLE B CLAIMS FOR ELIGIBLE  
23 EMPLOYEES WHO ARE MEMBERS OF THE TOXIC SPECIAL  
24 EXPOSURE COHORT.—Section 3621(1) of the Energy  
25 Employees Occupational Illness Compensation Program

1 Act of 2000 (42 U.S.C. 7384l(1)) is amended by adding  
2 at the end the following:

3 “(D) A Department of Energy employee or  
4 atomic weapons employee who—

5 “(i) has contracted a covered illness  
6 (as defined in section 3671); and

7 “(ii) satisfies the requirements estab-  
8 lished by the Secretary of Health and  
9 Human Services for the Toxic Special Ex-  
10 posure Cohort under section 3671A.”.

11 (d) CLARIFICATION OF TOXIC SUBSTANCE EXPO-  
12 SURE FOR COVERED ILLNESSES.—Section 3675(c)(1) of  
13 the Energy Employees Occupational Illness Compensation  
14 Program Act of 2000 (42 U.S.C. 7385s–4(c)(1)) is  
15 amended by inserting “(including chemicals or combina-  
16 tions or mixtures of a toxic substance, including heavy  
17 metals, and radiation)” after “toxic substance” each place  
18 such term appears.

19 **SEC. 3. PROVIDING INFORMATION REGARDING DEPART-**  
20 **MENT OF ENERGY FACILITIES.**

21 Subtitle E of the Energy Employees Occupational Ill-  
22 ness Compensation Program Act of 2000 (42 U.S.C.  
23 7385s et seq.) is amended by inserting after section 3681  
24 the following:

1 **“SEC. 3681A. COMPLETION AND UPDATES OF SITE EXPO-**  
2 **SURE MATRICES.**

3 “(a) DEFINITION.—In this section, the term ‘site ex-  
4 posure matrices’ means an exposure assessment of a De-  
5 partment of Energy facility that identifies the toxic sub-  
6 stances or processes that were used in each building or  
7 process of the facility, including the trade name (if any)  
8 of the substance.

9 “(b) IN GENERAL.—Not later than 180 days after  
10 the date of enactment of the Toxic Exposure Safety Act  
11 of 2021, the Secretary of Labor shall, in coordination with  
12 the Secretary of Energy, create or update site exposure  
13 matrices for each Department of Energy facility based on  
14 the records, files, and other data provided by the Secretary  
15 of Energy and such other information as is available, in-  
16 cluding information available from the former worker  
17 medical screening programs of the Department of Energy.

18 “(c) PERIODIC UPDATE.—Beginning 90 days after  
19 the initial creation or update described in subsection (b),  
20 and each 90 days thereafter, the Secretary shall update  
21 the site exposure matrices with all information available  
22 as of such time from the Secretary of Energy.

23 “(d) INFORMATION.—The Secretary of Energy shall  
24 furnish to the Secretary of Labor any information that  
25 the Secretary of Labor finds necessary or useful for the  
26 production of the site exposure matrices under this sec-



1 tion, including records from the Department of Energy  
2 former worker medical screening program.

3 “(e) PUBLIC AVAILABILITY.—The Secretary of Labor  
4 shall make available to the public, on the primary website  
5 of the Department of Labor—

6 “(1) the site exposure matrices, as periodically  
7 updated under subsections (b) and (c);

8 “(2) each site profile prepared under section  
9 3633(a);

10 “(3) any other database used by the Secretary  
11 of Labor to evaluate claims for compensation under  
12 this title; and

13 “(4) statistical data, in the aggregate and  
14 disaggregated by each Department of Energy facil-  
15 ity, regarding—

16 “(A) the number of claims filed under this  
17 subtitle and the number of claims filed by mem-  
18 bers of the Toxic Special Exposure Cohort who  
19 are covered under subtitle B;

20 “(B) the types of illnesses claimed;

21 “(C) the number of claims filed for each  
22 type of illness and, for each claim, whether the  
23 claim was approved or denied;

24 “(D) the number of claimants receiving  
25 compensation; and

1           “(E) the length of time required to process  
2           each claim, as measured from the date on which  
3           the claim is filed to the final disposition of the  
4           claim.

5           “(f) FUNDING.—There is authorized and hereby ap-  
6           propriated to the Secretary of Energy, for fiscal year 2021  
7           and each succeeding year, such sums as may be necessary  
8           to support the Secretary of Labor in creating or updating  
9           the site exposure matrices.”.

10 **SEC. 4. ASSISTING CURRENT AND FORMER EMPLOYEES**

11 **UNDER THE EEOICPA.**

12           (a) PROVIDING INFORMATION AND OUTREACH.—  
13           Subtitle A of the Energy Employees Occupational Illness  
14           Compensation Program Act of 2000 (42 U.S.C. 7384d et  
15           seq.) is amended—

16           (1) by redesignating section 3614 as section  
17           3616; and

18           (2) by inserting after section 3613 the fol-  
19           lowing:

20 **“SEC. 3614. INFORMATION AND OUTREACH.**

21           “(a) ESTABLISHMENT OF TOLL-FREE INFORMATION  
22           PHONE NUMBER.—By not later than January 1, 2022,  
23           the Secretary of Labor shall establish a toll-free phone  
24           number that current or former employees of the Depart-  
25           ment of Energy, or current or former Department of En-

1 ergy contractor employees, may use in order to receive in-  
2 formation regarding—

3           “(1) the compensation program under subtitle  
4       B or E;

5           “(2) information regarding the process of sub-  
6       mitting a claim under either compensation program;

7           “(3) assistance in completing the occupational  
8       health questionnaire required as part of a claim  
9       under subtitle B or E;

10          “(4) the next steps to take if a claim under  
11       subtitle B or E is accepted or denied; and

12          “(5) such other information as the Secretary  
13       determines necessary to further the purposes of this  
14       title.

15       “(b) ESTABLISHMENT OF RESOURCE AND ADVOCACY  
16       CENTERS.—

17           “(1) IN GENERAL.—By not later than January  
18       1, 2023, the Secretary of Energy, in coordination  
19       with the Secretary of Labor, shall establish a re-  
20       source and advocacy center at each Department of  
21       Energy facility where cleanup operations are being  
22       carried out, or have been carried out, under the en-  
23       vironmental management program of the Depart-  
24       ment of Energy. Each such resource and advocacy  
25       center shall assist current or former Department of

1 Energy employees and current or former Depart-  
2 ment of Energy contractor employees, by enabling  
3 the employees and contractor employees to—

4 “(A) receive information regarding all re-  
5 lated programs available to them relating to po-  
6 tential claims under this title, including—

7 “(i) programs under subtitles B and  
8 E; and

9 “(ii) the former worker medical  
10 screening program of the Department of  
11 Energy; and

12 “(B) navigate all such related programs.

13 “(2) COORDINATION.—The Secretary of Energy  
14 shall integrate other programs available to current  
15 and former employees, and current or former De-  
16 partment of Energy contractor employees, which are  
17 related to the purposes of this title, with the re-  
18 source and advocacy centers established under para-  
19 graph (1), as appropriate.

20 “(c) INFORMATION.—The Secretary of Labor shall  
21 develop and distribute, through the resource and advocacy  
22 centers established under subsection (b) and other means,  
23 information (which may include responses to frequently  
24 asked questions) for current or former employees or cur-  
25 rent or former Department of Energy contractor employ-

1 ees about the programs under subtitles B and E and the  
2 claims process under such programs.

3 “(d) COPY OF EMPLOYEE’S CLAIMS RECORDS.—

4 “(1) IN GENERAL.—The Secretary of Labor  
5 shall, upon the request of a current or former em-  
6 ployee or Department of Energy contractor em-  
7 ployee, provide the employee with a complete copy of  
8 all records or other materials held by the Depart-  
9 ment of Labor relating to the employee’s claim  
10 under subtitle B or E.

11 “(2) CHOICE OF FORMAT.—The Secretary of  
12 Labor shall provide the copy of records described in  
13 paragraph (1) to an employee in electronic or paper  
14 form, as selected by the employee.

15 “(e) CONTACT OF EMPLOYEES BY INDUSTRIAL HY-  
16 GIENISTS.—The Secretary of Labor shall allow industrial  
17 hygienists to contact and interview current or former em-  
18 ployees or Department of Energy contractor employees re-  
19 garding the employee’s claim under subtitle B or E.”.

20 (b) EXTENDING APPEAL PERIOD.—Section 3677(a)  
21 of the Energy Employees Occupational Illness Compensa-  
22 tion Program Act of 2000 (42 U.S.C. 7385s–6(a)) is  
23 amended by striking “60 days” and inserting “180 days”.

1 (c) FUNDING.—Section 3684 of the Energy Employ-  
2 ees Occupational Illness Compensation Program Act of  
3 2000 (42 U.S.C. 7385s–13) is amended—

4 (1) by striking “There is authorized” and in-  
5 serting the following:

6 “(a) IN GENERAL.—There is authorized”;

7 (2) by inserting before the period at the end the  
8 following: “, including the amounts necessary to  
9 carry out the requirements of section 3681A”; and

10 (3) by adding at the end the following:

11 “(b) ADMINISTRATIVE COSTS FOR DEPARTMENT OF  
12 ENERGY.—There is authorized and hereby appropriated  
13 to the Secretary of Energy for fiscal year 2021 and each  
14 succeeding year such sums as may be necessary to support  
15 the Secretary in carrying out the requirements of this title,  
16 including section 3681A.”.

17 (d) ADVISORY BOARD ON TOXIC SUBSTANCES AND  
18 WORKER HEALTH.—Section 3687 of the Energy Employ-  
19 ees Occupational Illness Compensation Program Act of  
20 2000 (42 U.S.C. 7385s–16) is amended—

21 (1) in subsection (b)—

22 (A) in paragraph (1)(F), by striking “and”  
23 after the semicolon;

24 (B) in paragraph (2), by striking the pe-  
25 riod at the end and inserting a semicolon; and

1 (C) by adding at the end the following:

2 “(3) develop recommendations for the Secretary  
3 of Health and Human Services regarding—

4 “(A) whether there is a class of Depart-  
5 ment of Energy employees, Department of En-  
6 ergy contractor employees, or other employees  
7 at any Department of Energy facility who were  
8 at least as likely as not exposed to toxic sub-  
9 stances at that facility but for whom it is not  
10 feasible to estimate with sufficient accuracy the  
11 dose they received; and

12 “(B) the conditions or requirements that  
13 should be met in order for an individual to be  
14 designated as a member of the Special Expo-  
15 sure Cohort under section 3671A; and

16 “(4) review all existing, as of the date of the re-  
17 view, rules and guidelines issued by the Secretary re-  
18 garding presumption of causation and provide the  
19 Secretary with recommendations for new rules and  
20 guidelines regarding presumption of causation.”;

21 (2) in subsection (c)(3), by inserting “or the  
22 Board” after “The Secretary”;

23 (3) by redesignating subsections (h) and (i) as  
24 subsections (i) and (j), respectively; and

1           (4) by inserting after subsection (g) the fol-  
2           lowing:

3           “(h) **REQUIRED RESPONSES TO BOARD REC-**  
4 **COMMENDATIONS.**—Not later than 90 days after the date  
5 on which the Secretary of Labor and the Secretary of  
6 Health and Human Services receives recommendations in  
7 accordance with paragraph (1), (3), or (4) of subsection  
8 (b), such Secretary shall submit formal responses to each  
9 recommendation to the Board and Congress.”.

10 **SEC. 5. RESEARCH PROGRAM ON EPIDEMIOLOGICAL IM-**  
11 **PACTS OF TOXIC EXPOSURES.**

12           (a) **DEFINITIONS.**—In this section—

13               (1) the term “Department of Energy facility”  
14               has the meaning given the term in section 3621 of  
15               the Energy Employees Occupational Illness Com-  
16               pensation Program Act of 2000 (42 U.S.C. 7384l);

17               (2) the term “institution of higher education”  
18               has the meaning given such term in section 101 of  
19               the Higher Education Act of 1965 (20 U.S.C.  
20               1001); and

21               (3) the term “Secretary” means the Secretary  
22               of Health and Human Services.

23           (b) **ESTABLISHMENT.**—The Secretary, acting  
24 through the Director of the National Institute of Environ-  
25 mental Health Sciences and in collaboration with the Di-



1 rector of the Centers for Disease Control and Prevention,  
2 shall conduct or support research on the epidemiological  
3 impacts of exposures to toxic substances at Department  
4 of Energy facilities.

5 (c) USE OF FUNDS.—Research under subsection (b)  
6 may include research on the epidemiological, clinical, or  
7 health impacts on individuals who were exposed to toxic  
8 substances in or near the tank or other storage farms and  
9 other relevant Department of Energy facilities through  
10 their work at such sites.

11 (d) ELIGIBILITY AND APPLICATION.—Any institution  
12 of higher education or the National Academy of Sciences  
13 may apply for funding under this section by submitting  
14 to the Secretary an application at such time, in such man-  
15 ner, and containing or accompanied by such information  
16 as the Secretary may require.

17 (e) RESEARCH COORDINATION.—The Secretary shall  
18 coordinate activities under this section with similar activi-  
19 ties conducted by the Department of Health and Human  
20 Services to the extent that other agencies have responsibil-  
21 ities that are related to the study of epidemiological, clin-  
22 ical, or health impacts of exposures to toxic substances.

23 (f) HEALTH STUDIES REPORT TO SECRETARY.—Not  
24 later than 1 year after the end of the funding period for

1 research under this section, the funding recipient shall  
2 prepare and submit to the Secretary a final report that—

3 (1) summarizes the findings of the research;

4 (2) includes recommendations for any addi-  
5 tional studies;

6 (3) describes any classes of employees that,  
7 based on the results of the study and in accordance  
8 with the rules promulgated by the Secretary under  
9 section 3671A(b) of the Energy Employees Occupa-  
10 tional Illness Compensation Program Act of 2000  
11 (as added by this Act), qualify for inclusion in the  
12 Toxic Special Exposure Cohort under such section  
13 3671A; and

14 (4) describes any illnesses to be included as cov-  
15 ered illnesses under section 3671(2)(D) of the En-  
16 ergy Employees Occupational Illness Compensation  
17 Program Act of 2000 (42 U.S.C. 7385s(2)(D)).

18 (g) REPORT TO CONGRESS.—

19 (1) IN GENERAL.—Not later than 120 days  
20 after the date on which the reports under subsection  
21 (f) are due, the Secretary shall—

22 (A) designate all classes of employees de-  
23 scribed in the report under subsection (f)(3) as  
24 members of the Toxic Special Exposure Cohort  
25 under section 3671A of the Energy Employees

1 Occupational Illness Compensation Program  
2 Act of 2000 (as added by this Act);

3 (B) prepare and submit to the relevant  
4 committees of Congress a report—

5 (i) summarizing the findings from the  
6 reports required under subsection (f);

7 (ii) identifying the classes of employ-  
8 ees designated under subparagraph (A);

9 (iii) identifying any new illnesses that,  
10 as a result of the study, will be included as  
11 covered illnesses, pursuant to subsection  
12 (f)(4) and section 3671(2)(D) of the En-  
13 ergy Employees Occupational Illness Com-  
14 pensation Program Act of 2000 (42 U.S.C.  
15 7385s(2)(D)); and

16 (iv) including the Secretary’s rec-  
17 ommendations for additional health studies  
18 relating to toxic substances, if the Sec-  
19 retary determines it necessary.

20 (2) RELEVANT COMMITTEES OF CONGRESS DE-  
21 FINED.—In this subsection, the term “relevant com-  
22 mittees of Congress” means—

23 (A) the Committee on Armed Services,  
24 Committee on Appropriations, Committee on  
25 Energy and Natural Resources, and Committee

1 on Health, Education, Labor, and Pensions of  
2 the Senate; and

3 (B) the Committee on Armed Services,  
4 Committee on Appropriations, Committee on  
5 Energy and Commerce, and Committee on Edu-  
6 cation and Labor of the House of Representa-  
7 tives.

8 (h) AUTHORIZATION OF APPROPRIATIONS.—There  
9 are authorized to be appropriated to carry out this section  
10 \$3,000,000 for each of fiscal years 2022 through 2026.

11 **SEC. 6. NATIONAL ACADEMY OF SCIENCES REVIEW.**

12 Subtitle A of the Energy Employees Occupational Ill-  
13 ness Compensation Program Act of 2000 (42 U.S.C.  
14 7384d et seq.), as amended by section 4, is further amend-  
15 ed by inserting after section 3614 the following:

16 **“SEC. 3615. NATIONAL ACADEMY OF SCIENCES REVIEW.**

17 “(a) PURPOSE.—The purpose of this section is to en-  
18 able the National Academy of Sciences, a non-Federal en-  
19 tity with appropriate expertise, to review and evaluate the  
20 available scientific evidence regarding associations be-  
21 tween diseases and exposure to toxic substances found at  
22 Department of Energy cleanup sites.

23 “(b) DEFINITIONS.—In this section:

24 “(1) DEPARTMENT OF ENERGY CLEANUP  
25 SITE.—The term ‘Department of Energy cleanup

1 site’ means a Department of Energy facility where  
2 cleanup operations are being carried out, or have  
3 been carried out, under the environmental manage-  
4 ment program of the Department of Energy.

5 “(2) HEALTH STUDIES REPORT.—The term  
6 ‘health studies report’ means the report submitted  
7 under section 5(f) of the Toxic Exposure Safety Act  
8 of 2021.

9 “(c) AGREEMENT.—Not later than 60 days after the  
10 issuance of the health studies report, the Secretary of  
11 Health and Human Services shall enter into an agreement  
12 with the National Academy of Sciences to carry out the  
13 requirements of this section.

14 “(d) REVIEW OF SCIENTIFIC AND MEDICAL EVI-  
15 DENCE.—

16 “(1) IN GENERAL.—Under the agreement de-  
17 scribed in subsection (c), the National Academy of  
18 Sciences shall, for the period of the agreement—

19 “(A) for each area recommended for addi-  
20 tional study under the health studies report  
21 under section 5(f)(2) of the Toxic Exposure  
22 Safety Act of 2021, review and summarize the  
23 scientific evidence relating to the area, includ-  
24 ing—

1                   “(i) studies by the Department of En-  
2                   ergy and Department of Labor; and

3                   “(ii) any other available and relevant  
4                   scientific studies, to the extent that such  
5                   studies are relevant to the occupational ex-  
6                   posures that have occurred at Department  
7                   of Energy cleanup sites; and

8                   “(B) review and summarize the scientific  
9                   and medical evidence concerning the association  
10                  between exposure to toxic substances found at  
11                  Department of Energy cleanup sites and result-  
12                  ant diseases.

13                  “(2)    SCIENTIFIC    DETERMINATIONS    CON-  
14                  CERNING    DISEASES.—In conducting each review of  
15                  scientific evidence under subparagraphs (A) and (B)  
16                  of paragraph (1), the National Academy of Sciences  
17                  shall—

18                         “(A) assess the strength of such evidence;

19                         “(B) assess whether a statistical associa-  
20                         tion between exposure to a toxic substance and  
21                         a disease exists, taking into account the  
22                         strength of the scientific evidence and the ap-  
23                         propriateness of the statistical and epidemiolog-  
24                         ical methods used to detect an association;

1           “(C) assess the increased risk of disease  
2 among those exposed to the toxic substance  
3 during service during the production and clean-  
4 up eras of the Department of Energy cleanup  
5 sites;

6           “(D) survey the impact to health of the  
7 toxic substance, focusing on hematologic, renal,  
8 urologic, hepatic, gastrointestinal, neurologic,  
9 dermatologic, respiratory, endocrine, ocular,  
10 ear, nasal, and oropharyngeal diseases, includ-  
11 ing dementia, leukemia, chemical sensitivities,  
12 and chronic obstructive pulmonary disease; and

13           “(E) determine whether a plausible biologi-  
14 cal mechanism or other evidence of a causal re-  
15 lationship exists between exposure to the toxic  
16 substance and disease.

17           “(e) ADDITIONAL SCIENTIFIC STUDIES.—If the Na-  
18 tional Academy of Sciences determines, in the course of  
19 conducting the studies under subsection (d), that addi-  
20 tional studies are needed to resolve areas of continuing  
21 scientific uncertainty relating to toxic exposure at Depart-  
22 ment of Energy cleanup sites, the National Academy of  
23 Sciences shall include, in the next report submitted under  
24 subsection (f), recommendations for areas of additional  
25 study, consisting of—

1           “(1) a list of diseases and toxins that require  
2 further evaluation and study;

3           “(2) a review the current information available,  
4 as of the date of the report, relating to such diseases  
5 and toxins;

6           “(3) the value of the information that would re-  
7 sult from the additional studies; and

8           “(4) the cost and feasibility of carrying out ad-  
9 ditional studies.

10          “(f) REPORTS.—

11           “(1) IN GENERAL.—By not later than 18  
12 months after the date of the agreement under sub-  
13 section (e), and every 2 years thereafter, the Na-  
14 tional Academy of Sciences shall prepare and submit  
15 a report to—

16           “(A) the Secretary;

17           “(B) the Committee on Health, Education,  
18 Labor, and Pensions and the Committee on En-  
19 ergy and Natural Resources of the Senate; and

20           “(C) the Committee on Natural Resources,  
21 the Committee on Education and Labor, and  
22 the Committee on Energy and Commerce of the  
23 House of Representatives.



1           “(2) CONTENTS.—Each report submitted under  
2 paragraph (1) shall include, for the 18-month or 2-  
3 year period covered by the report—

4           “(A) a description of—

5           “(i) the reviews and studies conducted  
6 under this section;

7           “(ii) the determinations and conclu-  
8 sions of the National Academy of Sciences  
9 with respect to such reviews and studies;  
10 and

11           “(iii) the scientific evidence and rea-  
12 soning that led to such conclusions;

13           “(B) the recommendations for further  
14 areas of study made under subsection (e) for  
15 the reporting period;

16           “(C) a description of any classes of em-  
17 ployees that, based on the results of the reviews  
18 and studies and in accordance with the rules  
19 promulgated by the Secretary under section  
20 3671A(b), qualify for inclusion in the Toxic  
21 Special Exposure Cohort under such section  
22 3671A; and

23           “(D) the identification of any illness that  
24 the National Academy of Sciences has deter-  
25 mined, as a result of the reviews and studies,

1           should be a covered illness under section  
2           3671(2)(D).

3           “(g) LIMITATION ON AUTHORITY.—The authority to  
4 enter into agreements under this section shall be effective  
5 for a fiscal year to the extent that appropriations are  
6 available.

7           “(h) SUNSET.—This section shall cease to be effec-  
8 tive 10 years after the last day of the fiscal year in which  
9 the National Academy of Sciences transmits to the Sec-  
10 retary the first report under subsection (f).”.

11 **SEC. 7. CONFORMING AMENDMENTS.**

12           The Energy Employees Occupational Illness Com-  
13 pensation Program Act of 2000 (42 U.S.C. 7384 et seq.)  
14 is amended—

15           (1) in the table of contents—

16                   (A) by redesignating the item relating to  
17 section 3614 as the item relating to section  
18 3616;

19                   (B) by inserting after the item relating to  
20 section 3613 the following:

“Sec. 3614. Information and outreach.

“Sec. 3615. National Academy of Sciences review.”;

21                   (C) by inserting after the item relating to  
22 section 3671 the following:

“Sec. 3671A. Establishment of the Toxic Special Exposure Cohort.”;

23           and

1 (D) by inserting after the item relating to  
2 section 3681 the following:

“Sec. 3681A. Completion and updates of site exposure matrices.”;

3 and

4 (2) in each of subsections (b)(1) and (c) of sec-  
5 tion 3612, by striking “3614(b)” and inserting  
6 “3616(b)”.

○