

## **RADIATION EXPOSURE COMPENSATION ACT**

[Public Law 101–426, as amended (42 U.S.C. 2210 note)]

[As Amended Through P.L. 119–21, Enacted July 4, 2025]

【Currency: This publication is a compilation of the text of Public Law 101-426. It was last amended by the public law listed in the As Amended Through note above and below at the bottom of each page of the pdf version and reflects current law through the date of the enactment of the public law listed at <https://www.govinfo.gov/app/collection/comps/>】

【Note: While this publication does not represent an official version of any Federal statute, substantial efforts have been made to ensure the accuracy of its contents. The official version of Federal law is found in the United States Statutes at Large and in the United States Code. The legal effect to be given to the Statutes at Large and the United States Code is established by statute (1 U.S.C. 112, 204).】

An Act to provide jurisdiction and procedures for claims for compassionate payments for injuries due to exposure to radiation from nuclear testing.

*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”.

### **SEC. 2. FINDINGS, PURPOSE, AND APOLOGY.**

(a) FINDINGS.—The Congress finds that—

(1) fallout emitted during the Government’s atmospheric nuclear tests exposed individuals to radiation that is presumed to have generated an excess of cancers among these individuals;

(2) the health of the individuals who were exposed to radiation in these tests was put at risk to serve the national security interests of the United States;

(3) radiation released in underground uranium mines that were providing uranium for the primary use and benefit of the nuclear weapons program of the United States Government exposed miners to large doses of radiation and other airborne hazards in the mine environment that together are presumed to have produced an increased incidence of lung cancer and respiratory diseases among these miners;

(4) the United States should recognize and assume responsibility for the harm done to these individuals; and

(5) the Congress recognizes that the lives and health of uranium miners and of involuntarily” and inserting “individuals who were exposed to radiation were subjected to increased risk of injury and disease to serve the national security interests of the United States.

(b) **PURPOSE.**—It is the purpose of this Act to establish a procedure to make partial restitution to the individuals described in subsection (a) for the burdens they have borne for the Nation as a whole.

(c) **APOLOGY.**—The Congress apologizes on behalf of the Nation to the individuals described in subsection (a) and their families for the hardships they have endured.

### **SEC. 3. TRUST FUND.**

(a) **ESTABLISHMENT.**—There is established in the Treasury of the United States, a trust fund to be known as the “Radiation Exposure Compensation Trust Fund” (hereinafter in this Act referred to as the “Fund”), which shall be administered by the Secretary of the Treasury.

(b) **INVESTMENT OF AMOUNTS IN THE FUND.**—Amounts in the Fund shall be invested in accordance with section 9702 of title 31, United States Code, and any interest on, and proceeds from any such investment shall be credited to and become a part of the Fund.

(c) **AVAILABILITY OF THE FUND.**—Amounts in the Fund shall be available only for disbursement by the Attorney General under section 6.

(d) **TERMINATION.**—The Fund shall terminate on December 31, 2028. If all of the amounts in the Fund have not been expended by such date, investments of amounts in the Fund shall be liquidated and receipts thereof deposited in the Fund and all funds remaining in the Fund shall be deposited in the miscellaneous receipts account in the Treasury.

(e) **APPROPRIATION.**—

(1) **IN GENERAL.**—There are appropriated to the Fund, out of any money in the Treasury not otherwise appropriated, for fiscal year 2002 and each fiscal year thereafter, such sums as may be necessary, not to exceed the applicable maximum amount specified in paragraph (2), to carry out the purposes of the Fund.

(2) **LIMITATION.**—Appropriation of amounts to the Fund pursuant to paragraph (1) is subject to the following maximum amounts:

- (A) For fiscal year 2002, \$172,000,000.
- (B) For fiscal year 2003, \$143,000,000.
- (C) For fiscal year 2004, \$107,000,000.
- (D) For fiscal year 2005, \$65,000,000.

### **SEC. 4. CLAIMS RELATING TO ATMOSPHERIC NUCLEAR TESTING.**

(a) **CLAIMS.**—

(1) **CLAIMS RELATING TO LEUKEMIA.**—

(A) **IN GENERAL.**—An individual described in this subparagraph shall receive the 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 November 6, 1962;

(II) was physically present in an affected area for the period beginning on June 30, 1962, and ending on July 31, 1962;

(III) was physically present in an affected area for a period of at least 1 year during the period beginning on September 24, 1944, and ending on November 6, 1962; or

(IV) 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), (II), or (III) of clause (i) or onsite participation described in clause (i)(IV) (as the case may be); and

(II) more than 2 years after first exposure to fallout.

(B) AMOUNT.—If the conditions described in subparagraph (C) are met, an individual who is described in subparagraph (A) shall receive \$100,000.

(C) CONDITIONS.—The conditions described in this subparagraph are as follows:

(i) The claim for a payment under subparagraph (B) is filed with the Attorney General by or on behalf of the individual.

(ii) The Attorney General determines, in accordance with section 6, that the claim meets the requirements of this Act.

(iv)<sup>1</sup> No payment under this paragraph previously has been made to the individual, on behalf of the individual, or to a survivor of the individual.

(2) CLAIMS RELATING TO SPECIFIED DISEASES.—Any individual who—

(A) 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 November 6, 1962;

(B) was physically present in an affected area for the period beginning on June 30, 1962, and ending on July 31, 1962;

(C) was physically present in an affected area for a period of at least 1 year during the period beginning on September 24, 1944, and ending on November 6, 1962; or

(D) participated onsite in a test involving the atmospheric detonation of a nuclear device, and who submits written medical documentation that he or she, after such period of physical presence or such participation (as the case may be), contracted a specified disease, shall receive \$100,000 if—

(i) the claim for such payment is filed with the Attorney General by or on behalf of such individual;

<sup>1</sup> So in law. Probably should be clause (iii). See amendments made by section 100202(b)(3) and (c) of Public Law 119–21.

- (ii) the Attorney General determines, in accordance with section 6, that the claim meets the requirements of this Act; and
- (iii)<sup>2</sup> no payment under this paragraph previously has been made to the individual, on behalf of the individual, or to a survivor of the individual.
- (3) CONFORMITY WITH SECTION 6.—Payments under this section may be made only in accordance with section 6.
- (4) EXCLUSION.—No payment may be made under this section on any claim of the Government of the Marshall Islands, or of any citizen or national of the Marshall Islands, that is referred to in Article X, Section 1 of the Agreement Between the Government of the United States and the Government of the Marshall Islands for the Implementation of section 177 of the Compact of Free Association (as approved by the Compact of Free Association Act of 1985 (Public Law 99–239)).
- (b) DEFINITIONS.—For purposes of this section, the term—
  - (1) “affected area” means—
    - (A) except as provided under subparagraph (B)—
      - (i) the States of New Mexico, Utah, and Idaho;
      - (ii) in the State of Nevada, the counties of White Pine, Nye, Lander, Lincoln, Eureka, and that portion of Clark County that consists of townships 13 through 16 at ranges 63 through 71; and
      - (iii) in the State of Arizona, the counties of Coconino, Yavapai, Navajo, Apache, and Gila, and Mohave; and
    - (B) with respect to a claim by an individual under subsection (a)(1)(A)(i)(III) or subsection (a)(2)(C), only New Mexico; and
  - (2) “specified disease” means leukemia (other than chronic lymphocytic leukemia), provided that initial exposure occurred after the age of 20 and the onset of the disease was at least 2 years after first exposure, and the following diseases, provided onset was at least 5 years after first exposure: multiple myeloma, lymphomas (other than Hodgkin’s disease), and primary cancer of the: thyroid, male or female breast, esophagus, stomach, pharynx, small intestine, pancreas, bile ducts, gall bladder, salivary gland, urinary bladder, brain, colon, ovary, liver (except if cirrhosis or hepatitis B is indicated), or lung.

#### SEC. 5. CLAIMS RELATING TO URANIUM MINING.

- (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)(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, or Texas

<sup>2</sup>Margin of clause (iii) is so in law.

at any time during the period beginning on January 1, 1942, and ending on December 31, 1990; or

(II) was employed as a core driller in a State referred to in subclause (I) during the period described in such subclause; and

(ii)(I) was a miner exposed to 40 or more working level months of radiation or 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 cancer or any other chronic renal disease, including nephritis and kidney tubal tissue injury;

(II) was a miller, core driller, or ore transporter, or was involved in remediation efforts at such a uranium mine or uranium mill, who worked for at least 1 year during the period described under clause (i)(I) and submits written medical documentation that the individual, after that exposure, developed lung cancer or a nonmalignant respiratory disease or renal cancer or any other chronic renal disease, including nephritis and kidney tubal tissue injury; or

(III)<sup>3</sup>(aa) does not meet the conditions of subclause (I) or (II);

(bb) worked, during the period described in clause (i)(I), in 2 or more of the following positions: miner, miller, core driller, and ore transporter;

(cc) meets the requirements under paragraph (4) or (5); and

(dd) submits written medical documentation that the individual developed lung cancer, a nonmalignant respiratory disease, renal cancer, or any other chronic renal disease, including nephritis and kidney tubal tissue injury after exposure to radiation through work in one or more of the positions referred to in item (bb);

(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) a 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.

<sup>3</sup>Margin so in law. See amendment in section 100203(d)(2) of Public Law 119-21.

(3) PAYMENT REQUIREMENT.—Each payment under this section may be made only in accordance with section 6.

(4) SPECIAL RULE RELATING TO COMBINED WORK HISTORIES FOR INDIVIDUALS WITH AT LEAST ONE YEAR OF EXPERIENCE.—An individual meets the requirements under this paragraph if the individual worked in one or more of the positions referred to in paragraph (1)(A)(ii)(III)(bb) for a period of at least one year during the period described in paragraph (1)(A)(i)(I).

(5) SPECIAL RULE RELATING TO COMBINED WORK HISTORIES FOR MINERS.—An individual meets the requirements of this paragraph if the individual, during the period described in paragraph (1)(A)(i)(I), worked as a miner and was exposed to such number of working level months that the Attorney General determines, when combined with the exposure of such individual to radiation through work as a miller, core driller, or ore transporter during the period described in paragraph (1)(A)(i)(I), results in such individual being exposed to a total level of radiation that is greater or equal to the level of exposure of an individual described in paragraph (4).

(b) DEFINITIONS.—For purposes of this section—

(1) the term “working level month of radiation” means radiation exposure at the level of one working level every work day for a month, or an equivalent exposure over a greater or lesser amount of time;

(2) the term “working level” means the concentration of the short half-life daughters of radon that will release  $(1.3 \times 10^5)$  million electron volts of alpha energy per liter of air;

(3) the term “nonmalignant respiratory disease” means fibrosis of the lung, pulmonary fibrosis, corpulmonale related to fibrosis of the lung, silicosis, and pneumoconiosis;

(4) the term “Indian tribe” means any Indian tribe, band, nation, pueblo, or other organized group or community, that is recognized as eligible for special programs and services provided by the United States to Indian tribes because of their status as Indians;

(5) the term “written medical documentation” for purposes of proving a nonmalignant respiratory disease 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 two 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;

(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; and

(9) the term “core driller” means any individual employed to engage in the act or process of obtaining cylindrical rock samples of uranium or vanadium by means of a borehole drilling machine for the purpose of mining uranium or vanadium.

(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 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 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.

#### SEC. 5A. CLAIMS RELATING TO MANHATTAN PROJECT WASTE.

(a) IN GENERAL.—A claimant shall receive compensation for a claim made under this Act, as described in subsection (b) or (c), if—

(1) a claim for compensation is filed with the Attorney General—

(A) by an individual described in paragraph (2); or

(B) on behalf of that individual by an authorized agent of that individual, if the individual is deceased or incapacitated, such as—

(i) an executor of estate of that individual; or

(ii) a legal guardian or conservator of that individual;

(2) that individual, or if applicable, an authorized agent of that individual, demonstrates that such individual—

(A) was physically present in an affected area for a period of at least 2 years after January 1, 1949; and

(B) contracted a specified disease after such period of physical presence;

(3) the Attorney General certifies that the identity of that individual, and if applicable, the authorized agent of that individual, is not fraudulent or otherwise misrepresented; and

(4) the Attorney General determines that the claimant has satisfied the applicable requirements of this Act.

(b) LOSSES AVAILABLE TO LIVING AFFECTED INDIVIDUALS.—

(1) IN GENERAL.—In the event of a claim qualifying for compensation under subsection (a) that is submitted to the Attorney General to be eligible for compensation under this section at a time when the individual described in subsection (a)(2) is living, the amount of compensation under this section shall be in an amount that is the greater of \$50,000 or the total amount of compensation for which the individual is eligible under paragraph (2).

(2) LOSSES DUE TO MEDICAL EXPENSES.—A claimant described in paragraph (1) shall be eligible to receive, upon submission of contemporaneous written medical records, reports, or billing statements created by or at the direction of a licensed medical professional who provided contemporaneous medical care to the claimant, additional compensation in the amount of



all documented out-of-pocket medical expenses incurred as a result of the specified disease suffered by that claimant, such as any medical expenses not covered, paid for, or reimbursed through—

- (A) any public or private health insurance;
- (B) any employee health insurance;
- (C) any workers' compensation program; or
- (D) any other public, private, or employee health program or benefit.

(3) LIMITATION.—No claimant is eligible to receive compensation under this subsection with respect to medical expenses unless the submissions described in paragraph (2) with respect to such expenses are submitted on or before December 31, 2028.

(c) PAYMENTS TO BENEFICIARIES OF DECEASED INDIVIDUALS.—In the event that an individual described in subsection (a)(2) who qualifies for compensation under subsection (a) is deceased at the time of submission of the claim—

(1) a surviving spouse may, upon submission of a claim and records sufficient to satisfy the requirements of subsection (a) with respect to the deceased individual, receive compensation in the amount of \$25,000; or

(2) in the event that there is no surviving spouse, the surviving children, minor or otherwise, of the deceased individual may, upon submission of a claim and records sufficient to satisfy the requirements of subsection (a) with respect to the deceased individual, receive compensation in the total amount of \$25,000, paid in equal shares to each surviving child.

(d) AFFECTED AREAS.—For purposes of this section, the term “affected area” means—

(1) in the State of Missouri, the ZIP Codes of 63031, 63033, 63034, 63042, 63045, 63074, 63114, 63135, 63138, 63044, 63121, 63140, 63145, 63147, 63102, 63304, 63134, 63043, 63341, 63368, and 63367;

(2) in the State of Tennessee, the ZIP Codes of 37716, 37840, 37719, 37748, 37763, 37828, 37769, 37710, 37845, 37887, 37829, 37854, 37830, and 37831;

(3) in the State of Alaska, the ZIP Codes of 99546 and 99547; and

(4) in the State of Kentucky, the ZIP Codes of 42001, 42003, and 42086.

(e) SPECIFIED DISEASE.—For purposes of this section, the term “specified disease” means any of the following:

(1) Any leukemia, provided that the initial exposure occurred after 20 years of age and the onset of the disease was at least 2 years after first exposure.

(2) Any of the following diseases, provided that the onset was at least 2 years after the initial exposure:

- (A) Multiple myeloma.
- (B) Lymphoma, other than Hodgkin's disease.
- (C) Primary cancer of the—
  - (i) thyroid;
  - (ii) male or female breast;
  - (iii) esophagus;

- (iv) stomach;
- (v) pharynx;
- (vi) small intestine;
- (vii) pancreas;
- (viii) bile ducts;
- (ix) gall bladder;
- (x) salivary gland;
- (xi) urinary bladder;
- (xii) brain;
- (xiii) colon;
- (xiv) ovary;
- (xv) bone;
- (xvi) renal;
- (xvii) liver, except if cirrhosis or hepatitis B is indicated; or
- (xviii) lung.

(f) PHYSICAL PRESENCE.—

(1) IN GENERAL.—For purposes of this section, the Attorney General may not determine that a claimant has satisfied the requirements under subsection (a) unless demonstrated by submission of—

(A) contemporaneous written residential documentation or at least 1 additional employer-issued or government-issued document or record that the claimant, for at least 2 years after January 1, 1949, was physically present in an affected area; or

(B) other documentation determined by the Attorney General to demonstrate that the claimant, for at least 2 years after January 1, 1949, was physically present in an affected area.

(2) TYPES OF PHYSICAL PRESENCE.—For purposes of determining physical presence under this section, a claimant shall be considered to have been physically present in an affected area if—

(A) the claimant's primary residence was in the affected area;

(B) the claimant's place of employment was in the affected area; or

(C) the claimant attended school in the affected area.

(g) DISEASE CONTRACTION IN AFFECTED AREAS.—For purposes of this section, the Attorney General may not determine that a claimant has satisfied the requirements under subsection (a) unless the claimant submits—

(1) written medical records or reports created by or at the direction of a licensed medical professional, created contemporaneously with the provision of medical care to the claimant, that the claimant, after a period of physical presence in an affected area, contracted a specified disease; or

(2) other documentation determined by the Attorney General to demonstrate that the claimant contracted a specified disease after a period of physical presence in an affected area.

**SEC. 6. DETERMINATION AND PAYMENT OF CLAIMS.**

(a) **ESTABLISHMENT OF FILING PROCEDURES.**—The Attorney General shall establish procedures whereby individuals may submit claims for payments under this Act. 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.

(b) **DETERMINATION OF CLAIMS.**—

(1) **IN GENERAL.**—The Attorney General shall, in accordance with this subsection, determine whether each claim filed under this Act meets the requirements of this Act. All reasonable doubt with regard to whether a claim meets the requirements of this Act shall be resolved in favor of the claimant.

(2) **CONSULTATION.**—The Attorney General shall—

(A) in consultation with the Surgeon General, establish guidelines for determining what constitutes written medical documentation that an individual contracted leukemia under section 4(a)(1), a specified disease under section 4(a)(2), or other disease specified in section 5;

(B) in consultation with the Director of the National Institute for Occupational Safety and Health, establish guidelines for determining what constitutes documentation that an individual was exposed to the working level months of radiation under section 5; and

(C) in consultation with the Secretary of Defense and the Secretary of Energy, establish guidelines for determining what constitutes documentation that an individual participated onsite in a test involving the atmospheric detonation of a nuclear device under section 4(a)(2)(C).

The Attorney General may consult with the Surgeon General with respect to making determinations pursuant to the guidelines issued under subparagraph (A), with the Director of the National Institute for Occupational Safety and Health with respect to making determinations pursuant to the guidelines issued under subparagraph (B), and with the Secretary of Defense and the Secretary of Energy with respect to making determinations pursuant to the guidelines issued under subparagraph (C).

(c) **PAYMENT OF CLAIMS.**—

(1) **IN GENERAL.**—The Attorney General shall pay, from amounts available in the Fund (or, in the case of a payment under section 5, from the Energy Employees Occupational Illness Compensation Fund, pursuant to section 3630(d) of the Energy Employees Occupational Illness Compensation Program Act of 2000), claims filed under this Act which the Attorney General determines meet the requirements of this Act.

(2) **OFFSET FOR CERTAIN PAYMENTS.**—(A) A payment to an individual, or to a survivor of that individual, under this section on a claim under subsection (a)(1), (a)(2)(A), or (a)(2)(B) of section 4 or a claim under section 5 shall be offset by the amount of any payment made pursuant to a final award or settlement on a claim (other than a claim for worker's compensa-

tion), against any person, that is based on injuries incurred by that individual on account of—

(i) exposure to radiation, from atmospheric nuclear testing, in the affected area (as defined in section 4(b)(1)) at any time during the period described in subsection (a)(1), (a)(2)(A), or (a)(2)(B) of section 4, or

(ii) exposure to radiation in a uranium mine at any time during the period described in section 5(a).

(B) A payment to an individual, or to a survivor of that individual, under this section on a claim under section 4(a)(2)(C) shall be offset by the amount of—

(i) any payment made pursuant to a final award or settlement on a claim (other than a claim for workers' compensation), against any person, or

(ii) any payment made by the Department of Veterans Affairs,

that is based on injuries incurred by that individual on account of exposure to radiation as a result of onsite participation in a test involving the atmospheric detonation of a nuclear device. The amount of the offset under this subparagraph with respect to payments described in clauses (i) and (ii) shall be the actuarial present value of such payments.

(3) RIGHT OF SUBROGATION.—Upon payment of a claim under this section, the United States Government is subrogated for the amount of the payment to a right or claim that the individual to whom the payment was made may have against any person on account of injuries referred to in paragraph (2).

(4) PAYMENTS IN THE CASE OF DECEASED PERSONS.—

(A) IN GENERAL.—In the case of an individual who is deceased at the time of payment under this section, such payment may be made only as follows:

(i) If the individual is survived by a spouse who is living at the time of payment, such payment shall be made to such surviving spouse.

(ii) If there is no surviving spouse described in clause (i), such payment shall be made in equal shares to all children of the individual who are living at the time of payment.

(iii) If there is no surviving spouse described in clause (i) and if there are no children described in clause (ii), such payment shall be made in equal shares to the parents of the individual who are living at the time of payment.

(iv) If there is no surviving spouse described in clause (i), and if there are no children described in clause (ii) or parents described in clause (iii), such payment shall be made in equal shares to all grandchildren of the individual who are living at the time of payment.

(v) If there is no surviving spouse described in clause (i), and if there are no children described in clause (ii), parents described in clause (iii), or grandchildren described in clause (iv), then such payment

shall be made in equal shares to the grandparents of the individual who are living at the time of payment.

(B) INDIVIDUALS WHO ARE SURVIVORS.—If an individual eligible for payment under section 4 or 5 dies before filing a claim under this Act, a survivor of that individual who may receive payment under subparagraph (A) may file a claim for such payment under this Act.

(C) DEFINITIONS.—For purposes of this paragraph—

(i) the “spouse” of an individual is a wife or husband of that individual who was married to that individual for at least one year immediately before the death of that individual;

(ii) a “child” includes a recognized natural child, a stepchild who lived with an individual in a regular parent-child relationship, and an adopted child;

(iii) a “parent” includes fathers and mothers through adoption;

(iv) a “grandchild” of an individual is a child of a child of that individual; and

(v) a “grandparent” of an individual is a parent of a parent of that individual.

(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.

(d) ACTION ON CLAIMS.—

(1) IN GENERAL.—The Attorney General shall complete the determination on each claim filed in accordance with the procedures established under subsection (a) not later than twelve months after the claim is so filed. 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.

(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) PAYMENT IN FULL SETTLEMENT OF CLAIMS AGAINST THE UNITED STATES.—Except as otherwise authorized by law, the acceptance of payment by an individual under this section shall be in full satisfaction of all claims of or on behalf of that individual against the United States, or against any person with respect to that person's performance of a contract with the United States, that arise out of exposure to radiation, from atmospheric nuclear testing, in the affected area (as defined in section 4(b)(1)) at any time during the period described in subsection (a)(1), (a)(2)(A), or (a)(2)(B) of section 4, exposure to radiation in a uranium mine, mill, or while employed in the transport of uranium ore or vanadium-uranium ore from such mine or mill at any time during the period described in section 5(a), or exposure to radiation as a result of onsite participation in a test involving the atmospheric detonation of a nuclear device.

(f) ADMINISTRATIVE COSTS NOT PAID FROM THE FUND.—No costs incurred by the Attorney General in carrying out this section shall be paid from the Fund or set off against, or otherwise deducted from, any payment under this section to any individual.

(g) TERMINATION OF DUTIES OF ATTORNEY GENERAL.—The duties of the Attorney General under this section shall cease when the Fund terminates.

(h) CERTIFICATION OF TREATMENT OF PAYMENTS UNDER OTHER LAWS.—Amounts paid to an individual under this section—

(1) shall be treated for purposes of the internal revenue laws of the United States as damages for human suffering; and

(2) shall not be included as income or resources for purposes of determining eligibility to receive benefits described in section 3803(c)(2)(C) of title 31, United States Code, or the amount of such benefits.

(i) USE OF EXISTING RESOURCES.—The Attorney General should use funds and resources available to the Attorney General to carry out his or her functions under this Act.

(j) REGULATORY AUTHORITY.—The Attorney General may issue such regulations as are necessary to carry out this Act.

(k) **ISSUANCE OF REGULATIONS, GUIDELINES, AND PROCEDURES.**—Regulations, guidelines, and procedures to carry out this Act shall be issued not later than 180 days after the date of the enactment of this Act. 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.

(l) **JUDICIAL REVIEW.**—An individual whose claim for compensation under this Act is denied may seek judicial review solely in a district court of the United States. The court shall review the denial on the administrative record and shall hold unlawful and set aside the denial if it is arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.

**SEC. 7. CLAIMS NOT ASSIGNABLE OR TRANSFERABLE; CHOICE OF REMEDIES.**

(a) **CLAIMS NOT ASSIGNABLE OR TRANSFERABLE.**—No claim cognizable under this Act shall be assignable or transferable.

(b) **CHOICE OF REMEDIES.**—No individual may receive more than 1 payment under this Act.

**SEC. 8. LIMITATIONS ON CLAIMS.**

(a) **IN GENERAL.**—A claim to which this Act applies shall be barred unless the claim is filed not later than December 31, 2027.

(b) **RESUBMITTAL OF CLAIMS.**—After the date of the 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 three times. Any resubmittal made before the date of the enactment of the Radiation Exposure Compensation Act Amendments of 2000 shall not be applied to the limitation under the preceding sentence.

**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 the 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.

**SEC. 10. CERTAIN CLAIMS NOT AFFECTED BY AWARDS OF DAMAGES.**

A payment made under this Act shall not be considered as any form of compensation or reimbursement for a loss for purposes of imposing liability on any individual receiving such payment, on the basis of such receipt, to repay any insurance carrier for insurance

payments, or to repay any person on account of worker's compensation payments; and a payment under this Act shall not affect any claim against an insurance carrier with respect to insurance or against any person with respect to worker's compensation.

**SEC. 11. BUDGET ACT.**

No authority under this Act to enter into contracts or to make payments shall be effective in any fiscal year except to such extent or in such amounts as are provided in advance in appropriations Acts.

**SEC. 12. REPORT.**

(a) **REPORT.**—The Secretary of Health and Human Services shall submit a report on the incidence of radiation related moderate or severe silicosis and pneumoconiosis in uranium miners employed in the uranium mines that are defined in section 5 and are located off of Indian reservations.

(b) **COMPLETION.**—Such report shall be completed not later than September 30, 1992.

**SEC. 13. REPEAL.**

Section 1631 of the Department of Energy National Security and Military Applications of Nuclear Energy Authorization Act of 1985 (42 U.S.C. 2212) is repealed.