

105TH CONGRESS
1ST SESSION

H. R. 1397

To provide health insurance benefits to certain former employees at defense nuclear facilities of the Department of Energy for injuries caused by exposure to ionizing radiation.

IN THE HOUSE OF REPRESENTATIVES

APRIL 17, 1997

Mr. SKAGGS (for himself, Mr. EVANS, and Mr. SANDERS) introduced the following bill; which was referred to the Committee on Commerce

A BILL

To provide health insurance benefits to certain former employees at defense nuclear facilities of the Department of Energy for injuries caused by exposure to ionizing radiation.

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 “Defense Nuclear Work-
5 ers’ Health Insurance Act of 1997”.

1 **SEC. 2. HEALTH INSURANCE PROGRAM FOR CERTAIN**
2 **FORMER DEPARTMENT OF ENERGY EMPLOY-**
3 **EES EXPOSED TO IONIZING RADIATION.**

4 (a) ESTABLISHMENT OF PROGRAM.—The Secretary
5 of Energy shall provide in accordance with this section for
6 payment to (or on behalf of) certain former Department
7 of Energy employees (described in subsection (b)) for all
8 reasonable expenses for certain health care services (de-
9 scribed in subsection (c)) incurred (whether through insur-
10 ance or out-of-pocket) above the threshold dollar amount
11 specified in subsection (d).

12 (b) FORMER EMPLOYEES COVERED.—An employee
13 described in this section is an individual who—

14 (1) was (but is no longer) employed at a De-
15 partment of Energy defense nuclear facility (as de-
16 fined in subsection (g)(3));

17 (2) while employed at that facility—

18 (A) received 10 REM or more total expo-
19 sure to ionizing radiation or 10 percent or more
20 of the maximum permissible body burden expo-
21 sure to ionizing radiation, or

22 (B) was employed for 5 years or more in
23 a building or facility in which radioactive mate-
24 rials were regularly stored, handled, processed,
25 or disposed of; and

1 (3) is not entitled to benefits under the Medi-
2 care Program.

3 (c) REASONABLE EXPENSES FOR CERTAIN HEALTH
4 CARE SERVICES COVERED.—

5 (1) IN GENERAL.—Reasonable expenses for cer-
6 tain health care services described in this subsection
7 are expenses in a reasonable amount for health care
8 services which are medically reasonable and nec-
9 essary for treatment of—

10 (A)(i) leukemia or cancer of the blood-
11 forming tissues (excluding chronic lymphocytic
12 leukemia),

13 (ii) multiple myeloma or muscle cancer af-
14 fecting the spinal cord, or lymphoma (other
15 than Hodgkin's disease),

16 (iii) cancer of the thyroid, lung, breast,
17 brain or nervous system, bone, skin, prostate,
18 parathyroid glands, stomach, colon or rectum,
19 esophagus, bladder, urinary tract, pharynx,
20 pancreas, small intestine, bile ducts, gall blad-
21 der, or liver (except if cirrhosis or hepatitis B
22 is indicated); or

23 (iv) berylliosis; or

24 (B) another disease if the Secretary of En-
25 ergy (in consultation with the Secretary of

1 Health and Human Services) determines that
2 there is a reasonable medical certainty that
3 such disease could have been directly or indi-
4 rectly caused by an illness referred to in sub-
5 paragraph (A).

6 (2) DETERMINATION OF REASONABLE
7 AMOUNT.—In applying paragraph (1)—

8 (A) health care expenses shall be treated
9 as being “in a reasonable amount” based on a
10 typical payment methodology used under
11 FEHBP plans, and

12 (B) treatment of an illness shall be consid-
13 ered to be medically reasonable and necessary if
14 payment for such treatment can be expected to
15 be made under either an FEHBP plan or under
16 the Medicare Program.

17 (3) HEALTH SERVICES DEFINED.—In para-
18 graph (1), the term “health care services” means
19 health care items and services that are the type of
20 items and services for which benefits are made avail-
21 able either under an FEHBP plan or under the
22 Medicare Program and includes hospital services,
23 physicians services, outpatient prescription drugs,
24 hospice care, home health services, skilled nursing

1 facility services, and rehabilitation (inpatient and
2 outpatient) services.

3 (d) THRESHOLD DOLLAR AMOUNT.—The threshold
4 dollar amount specified in this subsection is \$25,000 with
5 respect to any individual during the individual’s lifetime,
6 not counting expenses incurred before the date of the en-
7 actment of this Act.

8 (e) ADMINISTRATION.—The Secretary of Energy may
9 carry out this section directly, through a memorandum of
10 understanding with an appropriate Federal department or
11 agency, or through a contract with an appropriate health
12 insurance carrier or administrator.

13 (f) EFFECTIVE DATE.—The Secretary of Energy
14 shall establish the insurance program under this section
15 by not later than 6 months after the date of the enactment
16 of this Act. The program shall apply to expenses incurred
17 for services furnished on or after the date the program
18 first becomes effective.

19 (g) DEFINITIONS.—In this section:

20 (1) The term “FEHBP plan” means a health
21 plan typical of the health plans offered to Federal
22 employees and annuitants under chapter 89 of title
23 5, United States Code.

1 (2) The term “medicare program” means the
2 program under title XVIII of the Social Security
3 Act.

4 (3) The term “Department of Energy defense
5 nuclear facility” means—

6 (A) a production facility or utilization fa-
7 cility (as defined in section 11 of the Atomic
8 Energy Act of 1954 (42 U.S.C. 2014)) that is
9 under the control or jurisdiction of the Sec-
10 retary of Energy and that is operated for na-
11 tional security purposes (including the tritium
12 loading facility at Savannah River, South Caro-
13 lina; the 236 H facility at Savannah River,
14 South Carolina; and the Mound Laboratory,
15 Ohio), but the term does not include any facil-
16 ity that does not conduct atomic energy defense
17 activities;

18 (B) a nuclear waste storage or disposal fa-
19 cility that is under the control or jurisdiction of
20 the Secretary of Energy;

21 (C) a testing and assembly facility that is
22 under the control or jurisdiction of the Sec-
23 retary of Energy and that is operated for na-
24 tional security purposes (including the test site

1 facility in Nevada; the Pinnellas Plant, Florida;
2 and the Pantex facility, Texas);

3 (D) a nuclear weapons research facility
4 that is under the control or jurisdiction of the
5 Secretary of Energy (including the Lawrence
6 Livermore, Los Alamos, and Sandia National
7 Laboratories); or

8 (E) any facility described in subparagraphs
9 (A) through (D) that—

10 (i) is no longer in operation;

11 (ii) was under the control or jurisdic-
12 tion of the Department of Defense, the
13 Atomic Energy Commission, or the Energy
14 Research and Development Administration;
15 and

16 (iii) was operated for national security
17 purposes.

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