

106TH CONGRESS  
1ST SESSION

# S. 367

To amend the Radiation Exposure Compensation Act to provide for partial restitution to individuals who worked in uranium mines, mills, or transport which provided uranium for the use and benefit of the United States Government, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 4, 1999

Mr. BINGAMAN (for himself and Mr. DASCHLE) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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## A BILL

To amend the Radiation Exposure Compensation Act to provide for partial restitution to individuals who worked in uranium mines, mills, or transport which provided uranium for the use and benefit of the United States Government, 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; FINDINGS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Radiation Exposure Compensation Improvement Act of  
6 1999”.

7 (b) FINDINGS.—Congress finds the following:

1           (1) The intent of the Radiation Exposure Com-  
2           pensation Act (42 U.S.C. 2210 note), enacted in  
3           1990, was to apologize to victims of the weapons  
4           program of the Federal Government, but uranium  
5           workers who have applied for compensation under  
6           the Act have faced a disturbing number of chal-  
7           lenges.

8           (2) The congressional oversight hearing con-  
9           ducted by the Committee on Labor and Human Re-  
10          sources of the Senate has shown that since passage  
11          of the Radiation Exposure Compensation Act,  
12          former uranium workers and their families have not  
13          received prompt and efficient compensation.

14          (3) There is no plausible justification for the  
15          Federal Government's failure to warn and protect  
16          the lives and health of uranium workers.

17          (4) Progress on implementing the Radiation  
18          Exposure Compensation Act has been impeded by  
19          criteria for compensation that is far more stringent  
20          than for other groups for which compensation is pro-  
21          vided.

22          (5) The President's Advisory Committee on  
23          Human Radiation Experiments recommended that  
24          amendments to the Radiation Exposure Compensa-  
25          tion should be made.

1           (6) Uranium millers, aboveground miners, and  
 2           individuals who transported uranium ore should be  
 3           provided compensation that is similar to that pro-  
 4           vided for underground uranium miners in cases in  
 5           which those individuals suffered disease or resultant  
 6           death as a result of the failure of the Federal Gov-  
 7           ernment to warn of health hazards.

8   **SEC. 2. TRUST FUND.**

9           Section 3(d) of the Radiation Exposure Compensa-  
 10          tion Act (42 U.S.C. 2210 note) is amended by striking  
 11          “of this Act” and inserting “of the Radiation Exposure  
 12          Compensation Improvement Act of 1999.”

13   **SEC. 3. AFFECTED AREA; CLAIMS RELATING TO SPECIFIED**  
 14                           **DISEASES.**

15          (a) AFFECTED AREA.—Section 4(b)(1) of the Radi-  
 16          ation Exposure Compensation Act (42 U.S.C. 2210 note)  
 17          is amended—

18               (1) by striking “and” at the end of subpara-  
 19               graph (B); and

20               (2) by adding at the end the following:

21                       “(D) those parts of Arizona, Utah, and  
 22                       New Mexico comprising the Navajo Nation Res-  
 23                       ervation that were subjected to fallout from nu-  
 24                       clear weapons testing conducted in Nevada;  
 25                       and”.

1 (b) CLAIMS RELATING TO SPECIFIED DISEASES.—  
 2 Section 4(b)(2) of the Radiation Exposure Compensation  
 3 Act (42 U.S.C. 2210 note) is amended—

4 (1) by striking “the onset of the disease was be-  
 5 tween 2 and 30 years of first exposure,” and insert-  
 6 ing “the onset of the disease was at least 2 years  
 7 after first exposure, lung cancer (other than in situ  
 8 lung cancer that is discovered during or after a post-  
 9 mortem exam),”;

10 (2) by striking “(provided initial exposure oc-  
 11 curred by the age of 20)” after “thyroid”;

12 (3) by inserting “male or” before “female  
 13 breast”;

14 (4) by striking “(provided initial exposure oc-  
 15 curred prior to age 40)” after “female breast”;

16 (5) by striking “(provided low alcohol consump-  
 17 tion and not a heavy smoker)” after “esophagus”;

18 (6) by striking “(provided initial exposure oc-  
 19 curred before age 30)” after “stomach”;

20 (7) by striking “(provided not a heavy smoker)”  
 21 after “pharynx”;

22 (8) by striking “(provided not a heavy smoker  
 23 and low coffee consumption)” after “pancreas”;

24 (9) by inserting “salivary gland, urinary blad-  
 25 der, brain, colon, ovary,” after “gall bladder,”; and

1           (10) by inserting before the period at the end  
2           the following: “, and chronic lymphocytic leukemia”.

3 **SEC. 4. URANIUM MINING AND MILLING AND TRANSPORT.**

4           (a) AMENDMENT TO HEADING.—Section 5 of the Ra-  
5           diation Exposure Compensation Act (42 U.S.C. 2210  
6           note) is amended by striking the section heading and in-  
7           serting the following:

8 **“SEC. 5. CLAIMS RELATING TO URANIUM MINING OR MILL-**  
9 **ING OR TRANSPORT.”.**

10          (b) MILLING.—Section 5(a) of the Radiation Expo-  
11          sure Compensation Act (42 U.S.C. 2210 note) is  
12          amended—

13               (1) by striking “Any” and inserting “Any indi-  
14          vidual who was employed to transport or handle ura-  
15          nium ore or any”; and

16               (2) by inserting “or in any other State in which  
17          uranium was mined, milled, or transported” after  
18          “Utah”.

19          (c) MINES.—Section 5(a) of the Radiation Exposure  
20          Compensation Act (42 U.S.C. 2210 note), as amended by  
21          subsection (a) of this section, is amended by striking “a  
22          uranium mine” and inserting “a uranium mine (including  
23          a mine located aboveground or an open pit mine in which  
24          uranium miners worked, or a uranium mill)”.

1 (d) DATES.—Section 5(a) of the Radiation Exposure  
 2 Compensation Act (42 U.S.C. 2210 note), as amended by  
 3 subsections (b) and (c) of this section, is amended by  
 4 striking “January 1, 1947, and ending on December 31,  
 5 1971” and inserting “January 1, 1942, and ending on De-  
 6 cember 31, 1990”.

7 (e) AMENDMENT OF PERIOD OF EXPOSURE; EXPAN-  
 8 SION OF COVERAGE; INCREASE IN COMPENSATION  
 9 AWARDS; AND REMOVAL OF SMOKING DISTINCTION.—  
 10 Section 5(a) of the Radiation Exposure Compensation Act  
 11 (42 U.S.C. 2210 note), as amended by subsections (b)  
 12 through (d) of this section, is amended—

13 (1) by striking paragraph (1) and all that fol-  
 14 lows through the end of the subsection and inserting  
 15 the following:

16 “(2) COMPENSATION.—Any individual shall re-  
 17 ceive \$200,000 for a claim made under this Act if—

18 “(A) that individual—

19 “(i) was exposed to 40 or more work-  
 20 ing level months of radiation and submits  
 21 written medical documentation that the in-  
 22 dividual, after exposure developed—

23 “(I) lung cancer,

24 “(II) a nonmalignant respiratory  
 25 disease, or

1 “(III) any other medical condi-  
 2 tion associated with uranium mining  
 3 or milling, or

4 “(ii) worked in uranium mining, mill-  
 5 ing, or transport for a period of at least 1  
 6 year and submits written medical docu-  
 7 mentation that the individual, after expo-  
 8 sure, developed—

9 “(I) lung cancer,

10 “(II) a nonmalignant respiratory  
 11 disease, or

12 “(III) any other medical condi-  
 13 tion associated with uranium mining,  
 14 milling, or transport,

15 “(B) the claim for that payment is filed  
 16 with the Attorney General by or on behalf of  
 17 that individual, and

18 “(C) the Attorney General determines, in  
 19 accordance with section 6, that the claim meets  
 20 the requirements of this Act.”.

21 (2) by striking “(a) ELIGIBILITY OF INDIVID-  
 22 UALS.—Any” and inserting the following: “(a) ELI-  
 23 GIBILITY.—

24 “(1) IN GENERAL.—Any”; and

1           (3) in paragraph (1), as so designated, by strik-  
2           ing the dash at the end and inserting a period.

3           (f) CLAIMS RELATED TO HUMAN RADIATION EX-  
4 PERIMENTATION AND DEATH RESULTING FROM CAUSE  
5 OTHER THAN RADIATION.—Section 5 of the Radiation  
6 Exposure Compensation Act (42 U.S.C. 2210 note) is  
7 amended—

8           (1) by redesignating subsection (b) as sub-  
9           section (d); and

10          (2) by inserting after subsection (a) the follow-  
11          ing:

12          “(b) CLAIMS RELATING TO HUMAN USE RESEARCH  
13 AND DEATH RESULTING FROM NONRADIOLOGICAL  
14 CAUSES.—

15               “(1) IN GENERAL.—

16                       “(A) PAYMENT.—Any individual described  
17                       in subparagraph (B) shall receive \$50,000 if—

18                               “(i) a claim for that payment is filed  
19                               with the Attorney General by or on behalf  
20                               of that individual; and

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



1           “(B) DESCRIPTION OF INDIVIDUALS.—An  
2 individual described in this subparagraph is an  
3 individual who—

4           “(i) was employed in a uranium min-  
5 ing, milling, or transport within any State  
6 referred to in subsection (a) at any time  
7 during the period referred to in that sub-  
8 section, and

9           “(ii)(I) in the course of that employ-  
10 ment, without the individual’s knowledge  
11 or informed consent, was intentionally ex-  
12 posed to radiation for purposes of testing,  
13 research, study, or experimentation by the  
14 Federal Government (including any agency  
15 of the Federal Government) to determine  
16 the effects of that exposure on the human  
17 body; or

18           “(II) in the course of or arising out of  
19 the individual’s employment, suffered  
20 death, that, because the individual or the  
21 estate of the individual was barred from  
22 pursuing recovery under a worker’s com-  
23 pensation system or civil action available to  
24 similarly situated employees of mines or

1 mills that are not uranium mines or mills,  
 2 is not otherwise—

3 “(aa) compensable under sub-  
 4 section (a); or

5 “(bb) redressable.

6 “(2) PAYMENTS.—Payments under this sub-  
 7 section may be made only in accordance with section  
 8 6.”.

9 (g) OTHER INJURY OR DISABILITY.—Section 5 of the  
 10 Radiation Exposure Compensation Act (42 U.S.C. 2210  
 11 note), as amended by subsection (f) of this section, is  
 12 amended by adding after subsection (b) the following:

13 “(c) OTHER INJURY OR DISABILITY.—

14 “(1) IN GENERAL.—

15 “(A) PAYMENT.—Any individual described  
 16 in subparagraph (B) shall receive \$20,000 if—

17 “(i) a claim for that payment is filed  
 18 with the Attorney General by or on behalf  
 19 of that individual; and

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

23 “(B) DESCRIPTION OF INDIVIDUALS.—An  
 24 individual described in this subparagraph is an  
 25 individual who—

1 “(i) was employed in a uranium mine  
 2 or mill or transported uranium ore within  
 3 any State referred to in subsection (a) at  
 4 any time during the period referred to in  
 5 that subsection; and

6 “(ii) submits written medical docu-  
 7 mentation that individual suffered injury  
 8 or disability, arising out of or in the course  
 9 of the individual’s employment that, be-  
 10 cause the individual or the estate of the in-  
 11 dividual was barred from pursuing recov-  
 12 ery under a worker’s compensation system  
 13 or civil action available to similarly situ-  
 14 ated employees of mines or mills that are  
 15 not uranium mines or mills, is not  
 16 otherwise—

17 “(I) compensable under sub-  
 18 section (a); or

19 “(II) redressable.

20 “(2) PAYMENTS.—Payments under this sub-  
 21 section may be made only in accordance with section  
 22 6.”.

23 (h) DEFINITIONS.—Subsection (d) of section 5 of the  
 24 Radiation Exposure Compensation Act (42 U.S.C. 2210

1 note), as redesignated by subsection (f) of this section, is  
 2 amended—

3 (1) in paragraph (1)—

4 (A) by striking “radiation exposure” and  
 5 inserting “exposure to radon and radon prog-  
 6 eny”; and

7 (B) by inserting “based on a 6-day work-  
 8 week,” after “every work day for a month,”;

9 (2) by striking paragraph (2) and inserting the  
 10 following:

11 “(2) the term ‘affected Indian tribe’ means any  
 12 Indian tribe, band, nation, pueblo, or other orga-  
 13 nized group or community, that is recognized as eli-  
 14 gible for special programs and services provided by  
 15 the United States to Indian tribes because of their  
 16 status as Native Americans, whose people engaged  
 17 in uranium mining or milling or were employed  
 18 where uranium mining or milling was conducted;”;

19 (3) by striking paragraphs (3) and (4); and

20 (4) by adding at the end the following:

21 “(3) the term ‘course of employment’ means—

22 “(A) any period of employment in a ura-  
 23 nium mine or uranium mill before or after De-  
 24 cember 31, 1971, or

1           “(B) the cumulative period of employment  
2           in both a uranium mine and uranium mill in  
3           any case in which an individual was employed  
4           in both a uranium mine and a uranium mill;

5           “(4) the term ‘lung cancer’ means any physio-  
6           logical condition of the lung, trachea, and bronchus  
7           that is recognized under that name or nomenclature  
8           by the National Cancer Institute, including any in  
9           situ cancer;

10          “(5) the term ‘nonmalignant respiratory dis-  
11          ease’ means fibrosis of the lung, pulmonary fibrosis,  
12          corpulmonale related to pulmonary fibrosis, or mod-  
13          erate or severe silicosis or pneumoconiosis;

14          “(6) the term ‘other medical condition associ-  
15          ated with uranium mining, milling, or uranium  
16          transport’ means any medical condition associated  
17          with exposure to radiation, heavy metals, chemicals,  
18          or other toxic substances to which miners and mil-  
19          lers are exposed in the mining and milling of ura-  
20          nium;

21          “(7) the term ‘uranium mill’ includes milling  
22          operations involving the processing of uranium ore  
23          or vanadium-uranium ore, including carbonate and  
24          acid leach plants;

1           “(8) the term ‘uranium transport’ means  
2 human physical contact involved in moving uranium  
3 ore from 1 site to another, including mechanical con-  
4 veyance, physical shoveling, or driving a vehicle;

5           “(9) the term ‘uranium mine’ means any under-  
6 ground excavation, including dog holes, open pit,  
7 strip, rim, surface, or other aboveground mines,  
8 where uranium ore or vanadium-uranium ore was  
9 mined or otherwise extracted;

10           “(10) the term ‘working level’ means the con-  
11 centration of the short half-life daughters (known as  
12 ‘progeny’) of radon that will release  $(1.3 \times 10^5)$  mil-  
13 lion electron volts of alpha energy per liter of air;  
14 and

15           “(11) the term ‘written medical documentation’  
16 for purposes of proving a nonmalignant respiratory  
17 disease means, in any case in which the claimant is  
18 living—

19           “(A) a chest x-ray administered in accord-  
20 ance with standard techniques and the interpre-  
21 tive reports thereof by 2 certified ‘B’ readers  
22 classifying the existence of the nonmalignant  
23 respiratory disease of category 1/0 or higher ac-  
24 cording to a 1989 report of the International

1 Labour Office (known as the ‘ILO’), or subse-  
 2 quent revisions;

3 “(B) a high resolution computed tomog-  
 4 raphy scan (commonly known as an ‘HCRT  
 5 scan’) and any interpretive report for that scan;

6 “(C) a pathology report of a tissue biopsy;

7 “(D) a pulmonary function test indicating  
 8 restrictive lung function (as defined by the  
 9 American Thoracic Society); or

10 “(E) an arterial blood gas study.”.

11 **SEC. 5. DETERMINATION AND PAYMENT OF CLAIMS.**

12 (a) DETERMINATION AND PAYMENT OF CLAIMS,  
 13 GENERALLY.—Section 6 of the Radiation Exposure Com-  
 14 pensation Act (42 U.S.C. 2210 note) is amended—

15 (1) in subsection (b)—

16 (A) in paragraph (1), by adding at the end  
 17 the following: “All reasonable doubt with regard  
 18 to whether a claim meets the requirements of  
 19 this Act shall be resolved in favor of the claim-  
 20 ant.”;

21 (B) by redesignating paragraph (2) as  
 22 paragraph (5); and

23 (C) by inserting after paragraph (1) the  
 24 following:

1           “(2) EVIDENCE.—In support of a claim for  
2           compensation under section 5, the Attorney General  
3           shall permit the introduction of, and a claimant may  
4           use and rely upon, affidavits and other documentary  
5           evidence, including medical evidence, to the same ex-  
6           tent as permitted by the Federal Rules of Evidence.

7           “(3) INTERPRETATION OF CHEST X-RAYS.—For  
8           purposes of this Act, a chest x-ray and the accom-  
9           panying interpretive report required in support of a  
10          claim under section 5(a), shall—

11                   “(A) be considered to be conclusive, and

12                   “(B) be subject to a fair and random audit  
13          procedure established by the Attorney General.

14          “(4) CERTAIN WRITTEN DIAGNOSES.—

15                   “(A) IN GENERAL.—For purposes of this  
16          Act, in any case in which a written diagnosis is  
17          made by a physician described in subparagraph  
18          (B) of a nonmalignant pulmonary disease or  
19          lung cancer of a claimant that is accompanied  
20          by written medical documentation that meets  
21          the definition of that term under subsection  
22          (b)(11), that written diagnosis shall be consid-  
23          ered to be conclusive evidence of that disease.



1           “(B) DESCRIPTION OF PHYSICIANS.—A  
 2           physician described in this subparagraph is a  
 3           physician who—

4                   “(i) is employed by—

5                           “(I) the Indian Health Service of  
 6                           the Department of Health and  
 7                           Human Services, or

8                           “(II) the Department of Veterans  
 9                           Affairs, and

10                   “(ii) is responsible for examining or  
 11                   treating the claimant involved.”;

12           (2) in subsection (c)(2)—

13                   (A) in subparagraph (A)(ii), by striking  
 14                   “in a uranium mine” and inserting “in uranium  
 15                   mining, milling, or transport”; and

16                   (B) in subparagraph (B)(ii), by striking  
 17                   “by the Federal Government” and inserting  
 18                   “through the Department of Veterans Affairs”;

19           (3) in subsection (d)—

20                   (A) by striking “(d) ACTION ON CLAIMS.—

21                   The Attorney General” and inserting the follow-  
 22                   ing:

23                   “(d) ACTION ON CLAIMS.—

24                           “(1) IN GENERAL.—The Attorney General”;

25                   and

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

2 “(2) DETERMINATION OF PERIOD.—For pur-  
3 poses of determining the tolling of the 12-month pe-  
4 riod under paragraph (1), a claim under this Act  
5 shall be considered to have been filed as of the date  
6 of the receipt of that claim by the Attorney General.

7 “(3) ADMINISTRATIVE REVIEW.—If the Attor-  
8 ney General denies a claim referred to in paragraph  
9 (1), the claimant shall be permitted a reasonable pe-  
10 riod of time in which to seek administrative review  
11 of the denial by the Attorney General.

12 “(4) FINAL DETERMINATION.—The Attorney  
13 General shall make a final determination with re-  
14 spect to any administrative review conducted under  
15 paragraph (3) not later than 90 days after the re-  
16 ceipt of the claimant’s request for that review.

17 “(5) EFFECT OF FAILURE TO RENDER A DE-  
18 TERMINATION.—If the Attorney General fails to  
19 render a determination during the 12-month period  
20 under paragraph (1), the claim shall be deemed  
21 awarded as a matter of law and paid.”;

22 (4) in subsection (e), by striking “in a uranium  
23 mine” and inserting “uranium mining, milling, or  
24 transport”;

1           (5) in subsection (k), by adding at the end the  
 2 following: “With respect to any amendment made to  
 3 this Act after the date of enactment of this Act, the  
 4 Attorney General shall issue revised regulations,  
 5 guidelines, and procedures to carry out that amend-  
 6 ment not later than 180 days after the date of en-  
 7 actment of that amendment.”; and

8           (6) in subsection (l)—

9                   (A) by striking “(l) JUDICIAL REVIEW.—  
 10 An individual” and inserting the following:

11           “(l) JUDICIAL REVIEW.—

12                   “(1) IN GENERAL.—An individual”; and

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

14                   “(2) ATTORNEY’S FEES.—If the court that con-  
 15 ducts a review under paragraph (1) sets aside a de-  
 16 nial of a claim under this Act as unlawful, the court  
 17 shall award claimant reasonable attorney’s fees and  
 18 costs incurred with respect to the court’s review.

19                   “(3) INTEREST.—If, after a claimant is denied  
 20 a claim under this Act, the claimant subsequently  
 21 prevails upon remand of that claim, the claimant  
 22 shall be awarded interest on the claim at a rate  
 23 equal to 8 percent, calculated from the date of the  
 24 initial denial of the claim.

1           “(4) TREATMENT OF ATTORNEY’S FEES, COSTS,  
2           AND INTEREST.—Any attorney’s fees, costs, and in-  
3           terest awarded under this section shall—

4                   “(A) be considered to be costs incurred by  
5           the Attorney General, and

6                   “(B) not be paid from the Fund, or set off  
7           against, or otherwise deducted from, any pay-  
8           ment to a claimant under this section.”.

9           (b) FURTHERANCE OF SPECIAL TRUST RESPON-  
10          SIBILITY TO AFFECTED INDIAN TRIBES; SELF-DETER-  
11          MINATION PROGRAM ELECTION.—In furtherance of, and  
12          consistent with, the trust responsibility of the United  
13          States to Native American uranium workers recognized by  
14          Congress in enacting the Radiation Exposure Compensa-  
15          tion Act (42 U.S.C. 2210 note), section 6 of that Act, as  
16          amended by subsection (a) of this section, is amended—

17                   (1) in subsection (a), by adding at the end the  
18          following: “In establishing any such procedure, the  
19          Attorney General shall take into consideration and  
20          incorporate, to the fullest extent feasible, Native  
21          American law, tradition, and custom with respect to  
22          the submission and processing of claims by Native  
23          Americans.”;

24                   (2) in subsection (b), by inserting after para-  
25          graph (3) the following:

1           “(4) PULMONARY FUNCTION STANDARDS.—In  
 2       determining the pulmonary impairment of a claim-  
 3       ant, the Attorney General shall evaluate the degree  
 4       of impairment based on ethnic-specific pulmonary  
 5       function standards.”;

6           (3) in subsection (b)(5)—

7                 (A) by striking “and” at the end of sub-  
 8       paragraph (B);

9                 (B) by striking the period at the end of  
 10      subparagraph (C) and inserting “; and”; and

11                (C) by inserting after subparagraph (C)  
 12      the following:

13                “(D) in consultation with any affected In-  
 14      dian tribe, establish guidelines for the deter-  
 15      mination of claims filed by Native American  
 16      uranium miners, millers, and transport workers  
 17      pursuant to section 5.”;

18           (4) in subsection (b), by adding after paragraph  
 19      (5) the following:

20               “(6) SELF-DETERMINATION PROGRAM ELEC-  
 21      TION.—

22                “(A) IN GENERAL.—The Attorney General  
 23      on the request of any affected Indian tribe by  
 24      tribal resolution, may enter into 1 or more self-  
 25      determination contracts with a tribal organiza-

tion of that Indian tribe pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) to plan, conduct, and administer the disposition and award of claims under this Act to the extent that members of the affected Indian tribe are concerned.

“(B) APPROVAL.—(i) On the request of an affected Indian tribe to enter into a self-determination contract referred to in subparagraph (A), the Attorney General shall approve or reject the request in a manner consistent with section 102 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450f).

“(ii) The Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) shall apply to the approval and subsequent implementation of a self-determination contract entered into under clause (i) or any rejection of such a contract, if that contract is rejected.

“(C) USE OF FUNDS.—Notwithstanding any other provision of law, funds authorized for use by the Attorney General to carry out the functions of the Attorney General under subsection (i) may be used for the planning, train-

1           ing, implementation, and administration of any  
 2           self-determination contract that the Attorney  
 3           General enters into with an affected Indian  
 4           tribe under this section.”; and

5           (5) in subsection (c)(4), by adding at the end  
 6           the following:

7                   “(D) APPLICATION OF NATIVE AMERICAN  
 8           LAW.—In determining the eligibility of individ-  
 9           uals to receive compensation under this Act by  
 10          reason of marriage, relationship, or survivor-  
 11          ship, the Attorney General shall take into con-  
 12          sideration and give effect to established law,  
 13          tradition, and custom of affected Indian  
 14          tribes.”.

15   **SEC. 6. CHOICE OF REMEDIES.**

16          Section 7(b) of the Radiation Exposure Compensa-  
 17          tion Act (42 U.S.C. 2210 note) is amended to read as  
 18          follows:

19          “(b) CHOICE OF REMEDIES.—

20               “(1) IN GENERAL.—Except as provided in para-  
 21          graph (1), the payment of an award under any pro-  
 22          vision of this Act does not preclude the payment of  
 23          an award under any other provision of this Act.

1           “(2) LIMITATION.—No individual may receive  
 2           more than 1 award payment for any compensable  
 3           cancer or other compensable disease.”.

4   **SEC. 7. LIMITATION ON CLAIMS; RETROACTIVE APPLICA-**  
 5                           **TION OF AMENDMENTS.**

6           Section 8 of the Radiation Exposure Compensation  
 7   Act (42 U.S.C. 2210 note) is amended to read as follows:

8   **“SEC. 8. LIMITATION ON CLAIMS.**

9           “(a) BAR.—After the date that is 20 years after the  
 10   date of enactment of the Radiation Exposure Compensa-  
 11   tion Improvement Act no claim may be filed under this  
 12   Act.

13          “(b) APPLICABILITY OF AMENDMENTS.—The amend-  
 14   ments made to this Act by the Radiation Exposure Com-  
 15   pensation Improvement Act shall apply to any claim under  
 16   this Act that is pending or commenced on or after October  
 17   5, 1990, without regard to whether payment for that claim  
 18   could have been awarded before the date of enactment of  
 19   the Radiation Exposure Compensation Improvement Act  
 20   as the result of previous filing and prior payment under  
 21   this Act.”.

22   **SEC. 8. REPORT.**

23          Section 12 of the Radiation Exposure Compensation  
 24   Act (42 U.S.C. 2210 note) is amended—



1 (1) by striking the section heading and insert-  
 2 ing the following:

3 **“SEC. 12. REPORTS.”;**

4 and

5 (2) by adding at the end the following:

6 “(c) URANIUM MILL AND MINE REPORT.—Not later  
 7 than January 1, 2001, the Secretary of Health and  
 8 Human Services in consultation with the Secretary of En-  
 9 ergy shall prepare and submit to Congress a report that—

10 “(1) summarizes medical knowledge concerning  
 11 adverse health effects sustained by residents of com-  
 12 munities who reside adjacent to—

13 “(A) uranium mills or mill tailings,

14 “(B) aboveground uranium mines, or

15 “(C) open pit uranium mines; and

16 “(2) summarizes available information concern-  
 17 ing the availability and accessibility of medical care  
 18 that incorporates the best available standards of  
 19 practice for individuals with malignancies and other  
 20 compensable diseases relating to exposure to ura-  
 21 nium as a result of uranium mining and milling ac-  
 22 tivities;

23 “(3) summarizes the reclamation efforts with  
 24 respect to uranium mines, mills, and mill tailings in

1 Colorado, New Mexico, Arizona, Wyoming, and  
2 Utah; and

3 “(4) makes recommendations for further ac-  
4 tions to ensure health and safety relating to the ef-  
5 forts referred to in paragraph (3).”.

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