

116TH CONGRESS  
2D SESSION

# S. 4363

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

---

## IN THE SENATE OF THE UNITED STATES

JULY 29, 2020

Mrs. MURRAY 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’s Radioactive Waste Management Complex, 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 2020”.

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

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

6 (1) in paragraph (1)—

7 (A) by striking “employee determined under” and inserting the following: “employee determined—  
 8

9 “(A) under”;

10 (B) by striking the period at the end and inserting “; or”; and  
 11

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

13 “(B) to have contracted a covered illness and be a member of the Toxic Special Exposure Cohort established under section 3671A.”; and  
 14

15 (2) by striking paragraph (2) and inserting the following:  
 16

17 “(2) The term ‘covered illness’ means an occupational illness or death resulting from exposure to  
 18 a toxic substance, including—  
 19

20 “(A) all forms of cancer;

21 “(B) 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 2020 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 2020, 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 dose they received; and

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

15 “(c) REPORT TO CONGRESS.—

16 “(1) IN GENERAL.—Not later than 180 days  
17 after the date of enactment of the Toxic Exposure  
18 Safety Act of 2020, the Secretary of Health and  
19 Human Services shall submit to the relevant com-  
20 mittees of Congress a report that identifies each of  
21 the following:

22 “(A) A list of cancers and other illnesses  
23 associated with toxic substances that pose, or  
24 posed, a hazard in the work environment at any  
25 Department of Energy facility.

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

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

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

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

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

20           (c) ALLOWING SUBTITLE B CLAIMS FOR ELIGIBLE  
 21           EMPLOYEES WHO ARE MEMBERS OF THE TOXIC SPECIAL  
 22           EXPOSURE COHORT.—Section 3621(1) of the Energy  
 23           Employees Occupational Illness Compensation Program  
 24           Act of 2000 (42 U.S.C. 7384l(1)) is amended by adding  
 25           at the end the following:

1                   “(D) A Department of Energy employee or  
2                   atomic weapons employee who—

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

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

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

17 **SEC. 3. PROVIDING INFORMATION REGARDING DEPART-**  
18 **MENT OF ENERGY FACILITIES.**

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

6 “(1) the toxic substances or processes that were  
7 commonly used in each building or process of the fa-  
8 cility, including the trade name (if any) of the sub-  
9 stance; and

10 “(2) the time frame during which the potential  
11 for exposure to toxic substances existed at such fa-  
12 cility.

13 “(b) IN GENERAL.—Not later than 180 days after  
14 the date of enactment of the Toxic Exposure Safety Act  
15 of 2020, the Secretary of Labor shall, in coordination with  
16 the Secretary of Energy, create or update site exposure  
17 matrices for each Department of Energy facility based on  
18 the records, files, and other data provided by the Secretary  
19 of Energy and such other information as is available, in-  
20 cluding information available from the former worker  
21 medical screening programs of the Department of Energy.

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

1       “(d) INFORMATION.—The Secretary of Energy shall  
2 furnish to the Secretary of Labor any information that  
3 the Secretary of Labor finds necessary or useful for the  
4 production of the site exposure matrices under this sec-  
5 tion, including records from the Department of Energy  
6 former worker medical screening program.

7       “(e) PUBLIC AVAILABILITY.—The Secretary of Labor  
8 shall make available to the public, on the primary website  
9 of the Department of Labor—

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

12           “(2) each site profile prepared under section  
13 3633(a);

14           “(3) any other database used by the Secretary  
15 of Labor to evaluate claims for compensation under  
16 this Act; and

17           “(4) statistical data, in the aggregate and  
18 disaggregated by each Department of Energy facil-  
19 ity, regarding—

20           “(A) the number of claims filed under this  
21 subtitle and the number of claims filed by mem-  
22 bers of the Toxic Special Exposure Cohort who  
23 are covered under subtitle B;

24           “(B) the illnesses claimed;

1           “(C) the number of claims filed for each  
2           illness and, for each claim, whether the claim  
3           was approved or denied;

4           “(D) the number of claimants receiving  
5           compensation; and

6           “(E) the length of time required to process  
7           each claim, as measured from the date on which  
8           the claim is filed to the final disposition of the  
9           claim.

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

15        **SEC. 4. ASSISTING CURRENT AND FORMER EMPLOYEES**  
16                               **UNDER THE EEOICPA.**

17        (a) PROVIDING INFORMATION AND OUTREACH.—  
18        Subtitle A of the Energy Employees Occupational Illness  
19        Compensation Program Act of 2000 (42 U.S.C. 7384d et  
20        seq.) is amended—

21               (1) by redesignating section 3614 as section  
22               3616; and

23               (2) by inserting after section 3613 the fol-  
24               lowing:

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

2       “(a) ESTABLISHMENT OF TOLL-FREE INFORMATION  
3 PHONE NUMBER.—By not later than January 1, 2022,  
4 the Secretary of Labor shall establish a toll-free phone  
5 number that current or former employees of the Depart-  
6 ment of Energy, or current or former Department of En-  
7 ergy contractor employees, may use in order to receive in-  
8 formation regarding—

9               “(1) the compensation program under subtitle  
10 B or E;

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

13              “(3) assistance in completing the occupational  
14 health questionnaire required as part of a claim  
15 under subtitle B or E;

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

18              “(5) such other information as the Secretary  
19 determines necessary to further the purposes of this  
20 title.

21       “(b) ESTABLISHMENT OF RESOURCE AND ADVOCACY  
22 CENTERS.—

23              “(1) IN GENERAL.—By not later than January  
24 1, 2022, the Secretary of Energy, in coordination  
25 with the Secretary of Labor, shall establish a re-  
26 source and advocacy center at each Department of

1 Energy facility where cleanup operations are being  
2 carried out, or have been carried out, under the en-  
3 vironmental management program of the Depart-  
4 ment of Energy. Each such resource and advocacy  
5 center shall assist current or former Department of  
6 Energy employees and current or former Depart-  
7 ment of Energy contractor employees, by enabling  
8 the employees and contractor employees to—

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

12 “(i) programs under subtitles B and  
13 E; and

14 “(ii) the former worker medical  
15 screening program of the Department of  
16 Energy; and

17 “(B) navigate all such related programs.

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

1       “(c) INFORMATION.—The Secretary of Labor shall  
2 develop and distribute, through the resource and advocacy  
3 centers established under subsection (b) and other means,  
4 information (which may include responses to frequently  
5 asked questions) for current or former employees or cur-  
6 rent or former Department of Energy contractor employ-  
7 ees about the programs under subtitles B and E and the  
8 claims process under such programs.

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

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

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

21       “(e) CONTACT OF EMPLOYEES BY INDUSTRIAL HY-  
22 GIENISTS.—The Secretary of Labor shall allow industrial  
23 hygienists to contact current or former employees or De-  
24 partment of Energy contractor employees regarding the  
25 employee’s claim under subtitle B or E.”.

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

5 (c) FUNDING.—Section 3684 of the Energy Employ-  
6 ees Occupational Illness Compensation Program Act of  
7 2000 (42 U.S.C. 7385s–13) is amended—

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

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

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

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

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

21 (d) EXTENDING THE AUTHORIZATION OF THE  
22 EEOICPA OMBUDSMAN.—Section 3686(h) of the Energy  
23 Employees Occupational Illness Compensation Program  
24 Act of 2000 (42 U.S.C. 7385s–15(h)) is amended by strik-

1 ing “October 28, 2019” and inserting “October 28,  
2 2024”.

3 (e) ADVISORY BOARD ON TOXIC SUBSTANCES AND  
4 WORKER HEALTH.—Section 3687 of the Energy Employ-  
5 ees Occupational Illness Compensation Program Act of  
6 2000 (42 U.S.C. 7385s–16) is amended—

7 (1) in subsection (b)—

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

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

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

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

15 “(A) whether there is a class of Depart-  
16 ment of Energy employees, Department of En-  
17 ergy contractor employees, or other employees  
18 at any Department of Energy facility who were  
19 at least as likely as not exposed to toxic sub-  
20 stances at that facility but for whom it is not  
21 feasible to estimate with sufficient accuracy the  
22 dose they received; and

23 “(B) the conditions or requirements that  
24 should be met in order for an individual to be

1 designated as a member of the Special Expo-  
 2 sure Cohort under section 3671A; and

3 “(4) review all existing, as of the date of the re-  
 4 view, rules and guidelines issued by the Secretary re-  
 5 garding presumption of causation and provide the  
 6 Secretary with recommendations for new rules and  
 7 guidelines regarding presumption of causation.”;

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

10 (3) by redesignating subsections (h) and (i) as  
 11 subsections (i) and (j), respectively; and

12 (4) by inserting after subsection (g) the fol-  
 13 lowing:

14 “(h) REQUIRED RESPONSES TO BOARD REC-  
 15 OMMENDATIONS.—Not later than 90 days after the date  
 16 on which the Secretary of Labor and the Secretary of  
 17 Health and Human Services receives recommendations in  
 18 accordance with paragraph (1), (3), or (4) of subsection  
 19 (b), such Secretary shall submit formal responses to each  
 20 recommendation to the Board and Congress.”.

21 **SEC. 5. RESEARCH PROGRAM ON EPIDEMIOLOGICAL IM-**  
 22 **PACTS OF TOXIC EXPOSURES.**

23 (a) DEFINITIONS.—In this section—

24 (1) the term “Department of Energy facility”  
 25 has the meaning given the term in section 3621 of

1 the Energy Employees Occupational Illness Com-  
2 pensation Program Act of 2000 (42 U.S.C. 7384l);

3 (2) the term “institution of higher education”  
4 has the meaning given such term in section 101 of  
5 the Higher Education Act of 1965 (20 U.S.C.  
6 1001); and

7 (3) the term “Secretary” means the Secretary  
8 of Health and Human Services.

9 (b) ESTABLISHMENT.—The Secretary, acting  
10 through the Director of the National Institute of Environ-  
11 mental Health Sciences and in collaboration with the Di-  
12 rector of the Centers for Disease Control and Prevention,  
13 shall conduct or support research on the epidemiological  
14 impacts of exposures to toxic substances at Department  
15 of Energy facilities.

16 (c) USE OF FUNDS.—Research under subsection (b)  
17 may include research on the epidemiological, clinical, or  
18 health impacts on individuals who were exposed to toxic  
19 substances in or near the tank farms and other relevant  
20 Department of Energy facilities through their work at  
21 such sites.

22 (d) ELIGIBILITY AND APPLICATION.—Any institution  
23 of higher education or the National Academy of Sciences  
24 may apply for funding under this section by submitting  
25 to the Secretary an application at such time, in such man-

ner, and containing or accompanied by such information  
as the Secretary may require.

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

(f) HEALTH STUDIES REPORT TO SECRETARY.—Not  
later than 1 year after the end of the funding period for  
research under this section, the funding recipient shall  
prepare and submit to the Secretary a final report that—

- (1) summarizes the findings of the research;
- (2) includes recommendations for any addi-  
tional studies;
- (3) describes any classes of employees that,  
based on the results of the study and in accordance  
with the rules promulgated by the Secretary under  
section 3671A(b) of the Energy Employees Occupa-  
tional Illness Compensation Program Act of 2000  
(as added by this Act), qualify for inclusion in the  
Toxic Special Exposure Cohort under such section  
3671A; and
- (4) describes any illnesses to be included as cov-  
ered illnesses under section 3671(2)(D) of the En-

1       ergy Employees Occupational Illness Compensation  
2       Program Act of 2000 (42 U.S.C. 7385s(2)(D)).

3       (g) REPORT TO CONGRESS.—

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

7             (A) designate all classes of employees de-  
8       scribed in the report under subsection (f)(3) as  
9       members of the Toxic Special Exposure Cohort  
10      under section 3671A of the Energy Employees  
11      Occupational Illness Compensation Program  
12      Act of 2000 (as added by this Act); and

13            (B) prepare and submit to the relevant  
14      committees of Congress a report—

15            (i) summarizing the findings from the  
16      reports required under subsection (f);

17            (ii) identifying the classes of employ-  
18      ees designated under subparagraph (A);

19            (iii) identifying any new illnesses that,  
20      as a result of the study, will be included as  
21      covered illnesses, pursuant to subsection  
22      (f)(4) and section 3671(2)(D) of the En-  
23      ergy Employees Occupational Illness Com-  
24      pensation Program Act of 2000 (42 U.S.C.  
25      7385s(2)(D)); and

1 (iv) including the Secretary's rec-  
 2 ommendations for additional health studies  
 3 relating to toxic substances, if the Sec-  
 4 retary determines it necessary.

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

8 (A) the Committee on Armed Services,  
 9 Committee on Appropriations, Committee on  
 10 Energy and Natural Resources, and the Com-  
 11 mittee on Health, Education, Labor, and Pen-  
 12 sions of the Senate; and

13 (B) the Committee on Armed Services,  
 14 Committee on Appropriations, Committee on  
 15 Energy and Commerce, and the Committee on  
 16 Education and Labor of the House of Rep-  
 17 resentatives.

18 (h) AUTHORIZATION OF APPROPRIATIONS.—There  
 19 are authorized to be appropriated to carry out this section  
 20 \$3,000,000 for each of fiscal years 2021 through 2025.

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

22 Subtitle A of the Energy Employees Occupational Ill-  
 23 ness Compensation Program Act of 2000 (42 U.S.C.  
 24 7384d et seq.), as amended by section 4, is further amend-  
 25 ed by inserting after section 3614 the following:

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

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

8 “(b) DEFINITIONS.—In this section:

9 “(1) DEPARTMENT OF ENERGY CLEANUP  
10 SITE.—The term ‘Department of Energy cleanup  
11 site’ means a Department of Energy facility where  
12 cleanup operations are being carried out, or have  
13 been carried out, under the environmental manage-  
14 ment program of the Department of Energy.

15 “(2) HEALTH STUDIES REPORT.—The term  
16 ‘health studies report’ means the report submitted  
17 under section 5(f) of the Toxic Exposure Safety Act  
18 of 2020.

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

24 “(d) REVIEW OF SCIENTIFIC AND MEDICAL EVI-  
25 DENCE.—

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

4           “(A) for each area recommended for addi-  
5       tional study under the health studies report  
6       under section 5(f)(2) of the Toxic Exposure  
7       Safety Act of 2020, review and summarize the  
8       scientific evidence relating to the area, includ-  
9       ing—

10           “(i) studies by the Department of En-  
11       ergy and Department of Labor; and

12           “(ii) any other available and relevant  
13       scientific studies, to the extent that such  
14       studies are relevant to the occupational ex-  
15       posures that have occurred at Department  
16       of Energy cleanup sites; and

17           “(B) review and summarize the scientific  
18       and medical evidence concerning the association  
19       between exposure to toxic substances found at  
20       Department of Energy cleanup sites and result-  
21       ant diseases.

22           “(2) SCIENTIFIC DETERMINATIONS CON-  
23       CERNING DISEASES.—In conducting each review of  
24       scientific evidence under subparagraphs (A) and (B)

1 of paragraph (1), the National Academy of Sciences  
 2 shall—

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

4 “(B) assess whether a statistical associa-  
 5 tion between exposure to a toxic substance and  
 6 a disease exists, taking into account the  
 7 strength of the scientific evidence and the ap-  
 8 propriateness of the statistical and epidemiolog-  
 9 ical methods used to detect an association;

10 “(C) assess the increased risk of disease  
 11 among those exposed to the toxic substance  
 12 during service during the production and clean-  
 13 up eras of the Department of Energy cleanup  
 14 sites;

15 “(D) survey the impact to health of the  
 16 toxic substance, focusing on renal, liver, neuro-  
 17 logical, skin, respiratory, ear, nose, eye, and  
 18 throat diseases, including dementia, chemical  
 19 sensitivities, and emphysema; and

20 “(E) determine whether a plausible biologi-  
 21 cal mechanism or other evidence of a causal re-  
 22 lationship exists between exposure to the toxic  
 23 substance and disease.

24 “(e) ADDITIONAL SCIENTIFIC STUDIES.—If the Na-  
 25 tional Academy of Sciences determines, in the course of

1 conducting the studies under subsection (d), that addi-  
2 tional studies are needed to resolve areas of continuing  
3 scientific uncertainty relating to toxic exposure at Depart-  
4 ment of Energy cleanup sites, the National Academy of  
5 Sciences shall include, in the next report submitted under  
6 subsection (f), recommendations for areas of additional  
7 study, consisting of—

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

10           “(2) a review the current information available,  
11           as of the date of the report, relating to such diseases  
12           and toxins;

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

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

17           “(f) REPORTS.—

18           “(1) IN GENERAL.—By not later than 18  
19           months after the date of the agreement under sub-  
20           section (c), and every 2 years thereafter, the Na-  
21           tional Academy of Sciences shall prepare and submit  
22           a report to—

23           “(A) the Secretary;

1           “(B) the Committee on Health, Education,  
2           Labor, and Pensions and the Committee on En-  
3           ergy and Natural Resources of the Senate; and

4           “(C) the Committee on Natural Resources,  
5           the Committee on Education and Labor, and  
6           the Committee on Energy and Commerce of the  
7           House of Representatives.

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

11           “(A) a description of—

12                   “(i) the reviews and studies conducted  
13                   under this section;

14                   “(ii) the determinations and conclu-  
15                   sions of the National Academy of Sciences  
16                   with respect to such reviews and studies;  
17                   and

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

20           “(B) the recommendations for further  
21           areas of study made under subsection (e) for  
22           the reporting period;

23           “(C) a description of any classes of em-  
24           ployees that, based on the results of the reviews  
25           and studies and in accordance with the rules

1 promulgated by the Secretary under section  
 2 3671A(b), qualify for inclusion in the Toxic  
 3 Special Exposure Cohort under such section  
 4 3671A; and

5 “(D) the identification of any illness that  
 6 the National Academy of Sciences has deter-  
 7 mined, as a result of the reviews and studies,  
 8 should be a covered illness under section  
 9 3671(2)(D).

10 “(g) LIMITATION ON AUTHORITY.—The authority to  
 11 enter into agreements under this section shall be effective  
 12 for a fiscal year to the extent that appropriations are  
 13 available.

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

18 **SEC. 7. CONFORMING AMENDMENTS.**

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

22 (1) in the table of contents—

23 (A) by redesignating the item relating to  
 24 section 3614 as the item relating to section  
 25 3616;

1 (B) by inserting after the item relating to  
2 section 3613 the following:

“Sec. 3614. Information and outreach.

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

3 (C) by inserting after the item relating to  
4 section 3671 the following:

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

5 and

6 (D) by inserting after the item relating to  
7 section 3681 the following:

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

8 and

9 (2) in each of subsections (b)(1) and (c) of sec-  
10 tion 3612, by striking “3614(b)” and inserting  
11 “3616(b)”.

○