

107TH CONGRESS  
1ST SESSION

# S. 898

To make technical amendments to the Radiation Exposure Compensation Act (42 U.S.C. 2210 note), provide compensation to certain claimants under such Act, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

MAY 16 (legislative day, MAY 15), 2001

Mr. HATCH (for himself, Mr. DOMENICI, and Mr. DASCHLE) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To make technical amendments to the Radiation Exposure Compensation Act (42 U.S.C. 2210 note), provide compensation to certain claimants under such Act, 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. RADIATION EXPOSURE COMPENSATION TECH-**  
4 **NICAL AMENDMENTS.**

5 (a) IN GENERAL.—The Radiation Exposure Com-  
6 pensation Act (42 U.S.C. 2210 note) is amended—

1 (1) in section 4(b)(1)(C), by inserting “, and  
2 that part of Arizona that is north of the Grand Can-  
3 yon” after “Gila”;

4 (2) in section 4(b)(2)—

5 (A) by striking “lung cancer (other than in  
6 situ lung cancer that is discovered during or  
7 after a post-mortem exam),”; and

8 (B) by striking “or liver (except if cirrhosis  
9 or hepatitis B is indicated).” and inserting  
10 “liver (except if cirrhosis or hepatitis B is indi-  
11 cated), or lung.”;

12 (3) in section 5(a)(1)(A)(ii)(I), by inserting “or  
13 worked for at least 1 year during the period de-  
14 scribed under clause (i)” after “months of radi-  
15 ation”;

16 (4) in section 5(a)(2)(A), by striking “an Atom-  
17 ic Energy Commission” and inserting “a”;

18 (5) in section 5(b)(5), by striking “or lung can-  
19 cer”;

20 (6) in section 5(c)(1)(B)(i), by striking “or lung  
21 cancer”;

22 (7) in section 5(c)(2)(B)(i), by striking “or lung  
23 cancer”;

24 (8) in section 6(e)—

1 (A) by striking “The” and inserting “Ex-  
2 cept as otherwise authorized by law, the”; and

3 (B) by inserting “, mill, or while employed  
4 in the transport of uranium ore or vanadium-  
5 uranium ore from such mine or mill” after “ra-  
6 diation in a uranium mine”;

7 (9) in section 6(i), by striking the second sen-  
8 tence;

9 (10) in section 6(j), by adding at the end the  
10 following: “Not later than 180 days after the date  
11 of enactment of the Radiation Exposure Compensa-  
12 tion Act Amendments of 2000, the Attorney General  
13 shall issue revised regulations to carry out this  
14 Act.”;

15 (11) in section 6, by adding at the end the fol-  
16 lowing:

17 “(m) SUBSTANTIATION BY AFFIDAVITS.—

18 “(1) IN GENERAL.—The Attorney General shall  
19 take such action as may be necessary to ensure that  
20 the procedures established by the Attorney General  
21 under this section provide that a substantiation may  
22 be made by an individual filing a claim under those  
23 procedures by means of an affidavit described under  
24 paragraph (2), in addition to any other material that  
25 may be used to substantiate—

1           “(A) employment history for purposes of  
2           determining working level months; or

3           “(B) the residence of an individual filing a  
4           claim under section 4.

5           “(2) AFFIDAVITS.—An affidavit referred to  
6           under paragraph (1) is an affidavit that—

7           “(A) meets such requirements as the At-  
8           torney General may establish; and

9           “(B) is made by a person other than the  
10          individual filing the claim that attests to the  
11          employment history or residence of the claim-  
12          ant.”;

13          (12) in section 7, by amending subsection (b) to  
14          read as follows:

15          “(b) CHOICE OF REMEDIES.—No individual may re-  
16          ceive more than 1 payment under this Act.”; and

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

18       **“SEC. 14. GAO REPORTS.**

19          “(a) IN GENERAL.—Not later than 18 months after  
20          the date of enactment of the Radiation Exposure Com-  
21          pensation Act Amendments of 2000, and every 18 months  
22          thereafter, the General Accounting Office shall submit a  
23          report to Congress containing a detailed accounting of the  
24          administration of this Act by the Department of Justice.

1       “(b) CONTENTS.—Each report submitted under this  
2 section shall include an analysis of—

3               “(1) claims, awards, and administrative costs  
4 under this Act; and

5               “(2) the budget of the Department of Justice  
6 relating to this Act.”.

7       (b) CONFORMING AMENDMENTS.—Section 3 of the  
8 Radiation Exposure Compensation Act Amendments of  
9 2000 (Public Law 106–245) is amended by striking sub-  
10 sections (e) and (i).

11 **SEC. 2. COMPENSATION FOR CERTAIN CLAIMANTS UNDER**  
12                               **THE RADIATION EXPOSURE COMPENSATION**  
13                               **ACT.**

14       (a) IN GENERAL.—Section 3630 of the Energy Em-  
15 ployees Occupational Illness Compensation Program Act  
16 of 2000, as enacted into law by Public Law 106–398, is  
17 amended to read as follows:

18 **“SEC. 3630. SEPARATE TREATMENT OF CERTAIN CLAIM-**  
19                               **ANTS UNDER THE RADIATION EXPOSURE**  
20                               **COMPENSATION ACT.**

21       “(a) COMPENSATION PROVIDED.—An individual who  
22 receives, or has received, a payment under section 4 or  
23 5 of the Radiation Exposure Compensation Act (42 U.S.C.  
24 2210 note) for a claim made under that Act (in this sec-  
25 tion referred to as a ‘covered individual’), or the survivor

1 of that covered individual if the individual is deceased,  
2 shall receive compensation under this section in the  
3 amount of \$50,000.

4 “(b) MEDICAL BENEFITS.—A covered individual  
5 shall receive medical benefits under section 3629 for the  
6 illness for which that individual received a payment under  
7 section 4 or 5 of that Act.

8 “(c) COORDINATION WITH RECA.—The compensa-  
9 tion and benefits provided in subsections (a) and (b) are  
10 separate from any compensation or benefits provided  
11 under that Act.

12 “(d) PAYMENT FROM COMPENSATION FUND.—The  
13 compensation provided under this section, when author-  
14 ized or approved by the President, shall be paid from the  
15 compensation fund established under section 3612.

16 “(e) SURVIVORS.—(1) Subject to the provisions of  
17 this section, if a covered individual dies before the effective  
18 date specified in subsection (g), whether or not the death  
19 is a result of the illness specified in subsection (b), a sur-  
20 vivor of that individual may, on behalf of that survivor  
21 and any other survivors of that individual, receive the com-  
22 pensation provided for under this section.

23 “(2) The right to receive compensation under this  
24 section shall be afforded to survivors in the same order

1 of precedence as that set forth in section 8109 of title 5,  
2 United States Code.

3 “(f) PROCEDURES REQUIRED.—The President shall  
4 establish procedures to identify and notify each covered  
5 individual, or the survivor of that covered individual if that  
6 individual is deceased, of the availability of compensation  
7 and benefits under this section.

8 “(g) EFFECTIVE DATE.—This section shall take ef-  
9 fect on July 31, 2001, unless Congress provides otherwise  
10 in an Act enacted before that date.”.

11 (b) TECHNICAL AND CONFORMING AMENDMENTS.—  
12 (1) The table of sections for the Energy Employees Occu-  
13 pational Illness Compensation Program Act of 2000 is  
14 amended by striking the item relating to section 3630 and  
15 inserting the following:

“Sec. 3630. Separate treatment of certain claimants under the Radi-  
ation Exposure Compensation Act.”.

16 (2) Section 3641 of the Energy Employees Occupa-  
17 tional Illness Compensation Program Act of 2000, as en-  
18 acted into law by Public Law 106–398, is amended—

19 (A) by striking “covered uranium employee”  
20 and inserting “covered individual”; and

21 (B) by adding at the end the following: “Noth-  
22 ing in this section shall be construed to offset any  
23 payment of compensation under section 3630 and

1 any payment under the Radiation Exposure Com-  
2 pensation Act (42 U.S.C. 2210 note).”.

3 **SEC. 3. ATTORNEY FEES.**

4 Section 3648(b)(2) of the Energy Employees Occupa-  
5 tional Illness Compensation Program Act of 2000, as en-  
6 acted into law by Public Law 106–398, is amended to read  
7 as follows:

8 “(2) 10 percent with respect to—

9 “(A) any claim with respect to which a  
10 representative has made a contract for services  
11 before the date of enactment of this Act; or

12 “(B) a resubmission of a denied claim.”.

13 **SEC. 4. RADIATION EXPOSURE COMPENSATION.**

14 Section 3(e) of the Radiation Exposure Compensation  
15 Act (42 U.S.C. 2210 note) is amended—

16 (1) in the subsection heading by striking the  
17 first 2 words and inserting “INDEFINITE”; and

18 (2) by striking “authorized to be”.

19 **SEC. 5. REPORTS BY THE NATIONAL RESEARCH COUNCIL.**

20 (a) CONTRACT FOR REPORTS.—Not later than 60  
21 days after the date of enactment of this Act, the Attorney  
22 General of the United States shall enter into a contract  
23 with the National Research Council to submit reports in  
24 accordance with subsection (b).

1 (b) REPORTS.—Not later than December 31, 2002,  
2 and not later than December 31 of each year thereafter  
3 through 2010, the National Research Council shall submit  
4 a report, in accordance with the contract entered into  
5 under subsection (a), to Congress that—

6 (1) reviews the most recent scientific informa-  
7 tion relating to radiation exposure and related can-  
8 cers; and

9 (2) makes any recommendation to—

10 (A) reduce the length of radiation exposure  
11 requirements; or

12 (B) include types of cancer or classes of in-  
13 dividuals to be covered by the Radiation Expo-  
14 sure Compensation Act (42 U.S.C. 2210 note).

15 (c) AUTHORIZATION OF APPROPRIATIONS.—There  
16 are authorized to be appropriated to carry out this  
17 section—

18 (1) \$600,000 for fiscal year 2001; and

19 (2) such sums as may be necessary for fiscal  
20 years 2001 through 2011.

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