

Radiation Exposure Compensation Act Amendments of 2010
Congressman Ben Ray Lujan
Section by Section

Section 1: Short Title

- Radiation Exposure Compensation Act Amendments of 2009

Section 2: References

- Amendments are to be made to RECA (PL 101-426)

Section 3: Extension of Fund

- Extends the termination date of the act to 19 years after the enactment of the bill.
 - *The current expiration date is 2022.*
 - *The bill extends compensable years from 1971 to 1990 (19 years), thus the termination date is also extended 19 years.*

Section 4: Claims Relating to Atmospheric Testing

- Makes all claimants eligible for an equal amount of compensation (\$150,000) regardless of whether they are workers, miners, or downwinders.
 - *Current compensation is \$50,000 for downwinders or \$75,000 for onsite participants, while federal employees, miners and millers receive a lump sum of \$150 through RECA and EEOICPA together.*
- Makes all claimants eligible for medical benefits (equivalent to EEOICPA medical expense compensation.)
- Expands downwind test sites to include the Trinity Test Site, and tests in the Pacific.
 - *Currently compensation is only granted to those downwind of the Nevada Test Site.*
- Expands downwind states:
 - For the Nevada Test Site – to include all of Arizona, Nevada, New Mexico, Colorado, Idaho, Montana, and Utah
 - For the Trinity Test Site – to include New Mexico
 - For the Pacific Tests – to include Guam
 - *Currently only specified counties in AZ, NV, and UT qualify for downwind compensation.*

Section 5: Claims Relating to Uranium Mining

- Extend compensation to employees of mines and mills employed until December 31, 1990 (year of enactment of RECA.)
 - *The current date is December 31, 1971*
- Adds core drillers to the list of compensable employees and defines ‘core driller’.
- Adds renal cancer, or any other chronic renal disease (including nephritis and kidney tubal tissue injury) to the list of compensable diseases for employees of mines and mills.
 - *Currently millers and transporters are covered for kidney disease, but miners are not.*

- Allows claimants to combined work histories to meet the requirements of the legislation. (e.g. individuals who worked half a year at a mill and half a year in a mine would be eligible for compensation.)
 - *The DOJ currently makes some exceptions for this, but there is no legislative governance on the issue.*

Section 6: Expansion of use of Affidavits in Determination of Claims; Regulations

- Allows for the use of affidavits to substantiate employment history, presence in an affected area (downwind state), work at a test site.
 - *Currently only miners can use affidavits.*
- The AG has 180 days from enactment to issue revised regulations of RECA in accordance with this act.

Section 7: Limitation on Claims

- Allows for the resubmission of previously denied claims (up to three times.)
- Allows for the resubmission of previously awarded claims in a streamlined manner where increased compensation amounts as outlined in this act would be awarded.

Section 8: Attorney Fees

- Return all attorney fees from 2% to 10% of the amount of the RECA claim.
 - *Section 9 of the original 1990 RECA Law capped attorney fees at 10% of the amount of the RECA claim. The 2000 RECA amendment changed the cap to the current level:*
 - *-2% for all initial claims filed after the date of enactment of the 2000 amendments (July 10, 2000);*
 - *-10% for all initial claims filed before the date of enactment of the 2000 amendments; and*
 - *-10% for all re-submissions of previously-denied claims.*

Section 9: Epidemiological Study on Radiation Exposure to Other Individuals

- Authorizes \$3 million for 5 years for a grant program administered by the National Institute of Environmental Health Sciences for research on the epidemiological impacts of uranium mining and milling among non-occupationally exposed individuals, including family members of uranium miners and millers.
- Grants are to be awarded to Universities with priority given to institutes in the southwest.
 - *There has been some research on the health impacts on families of uranium workers and residents of uranium development communities, but there is no comprehensive look at the epidemiological impact on these individuals.*