

103^D CONGRESS
1ST SESSION

H. R. 43

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

JANUARY 5, 1993

Mr. SKAGGS (for himself, Mr. SCHIFF, Mrs. SCHROEDER, Mr. RICHARDSON, Mr. STARK, Mr. EVANS, Mr. SANDERS, Mrs. LLOYD, and Mr. OWENS) introduced the following bill; which was referred to the Committee on Energy and 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 1993”.

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), or

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 (B) another disease if the Secretary of En-
24 ergy (in consultation with the Secretary of
25 Health and Human Services) determines that

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

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

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

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

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

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

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

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

17 (g) DEFINITIONS.—In this section:

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

22 (2) The term “medicare program” means the
23 program under title XVIII of the Social Security
24 Act.

1 (3) The term “Department of Energy defense
2 nuclear facility” means—

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

15 (B) a nuclear waste storage or disposal fa-
16 cility that is under the control or jurisdiction of
17 the Secretary of Energy;

18 (C) a testing and assembly facility that is
19 under the control or jurisdiction of the Sec-
20 retary of Energy and that is operated for na-
21 tional security purposes (including the test site
22 facility in Nevada; the Pinnellas Plant, Florida;
23 and the Pantex facility, Texas);

24 (D) a nuclear weapons research facility
25 that is under the control or jurisdiction of the

1 Secretary of Energy (including the Lawrence
2 Livermore, Los Alamos, and Sandia National
3 Laboratories); or

4 (E) any facility described in subparagraphs
5 (A) through (D) that—

6 (i) is no longer in operation;

7 (ii) was under the control or jurisdic-
8 tion of the Department of Defense, the
9 Atomic Energy Commission, or the Energy
10 Research and Development Administration;
11 and

12 (iii) was operated for national security
13 purposes.

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