



# The Radiation Exposure Compensation Program: Issues Related to Sunset

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# Program Overview



The Radiation Exposure Compensation Act (“RECA”), 42 U.S.C. § 2210 note, established an administrative claims program to make partial restitution for diseases associated with radiation exposure resulting from efforts to promote the national security interests of the United States during the Cold War. DOJ determines whether a claim under RECA meets the statutory eligibility criteria.



No requirement to prove a causal connection between exposure to radiation and subsequent illness. Exposure to radiation is presumed if statutory eligibility criteria are met.



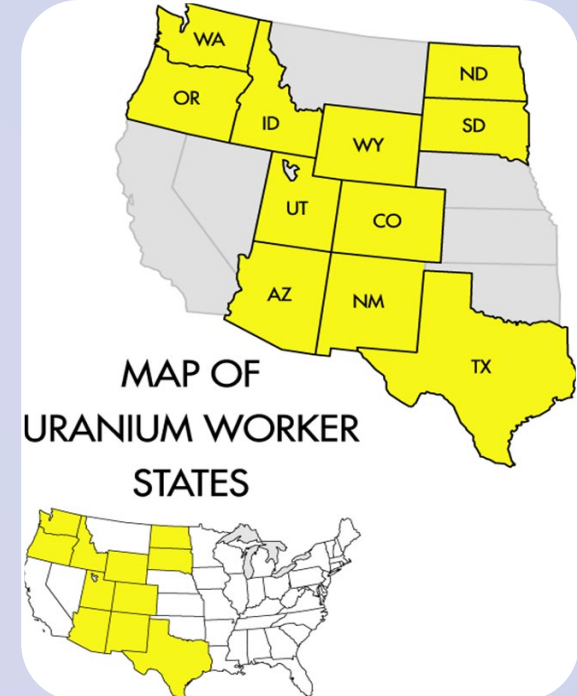
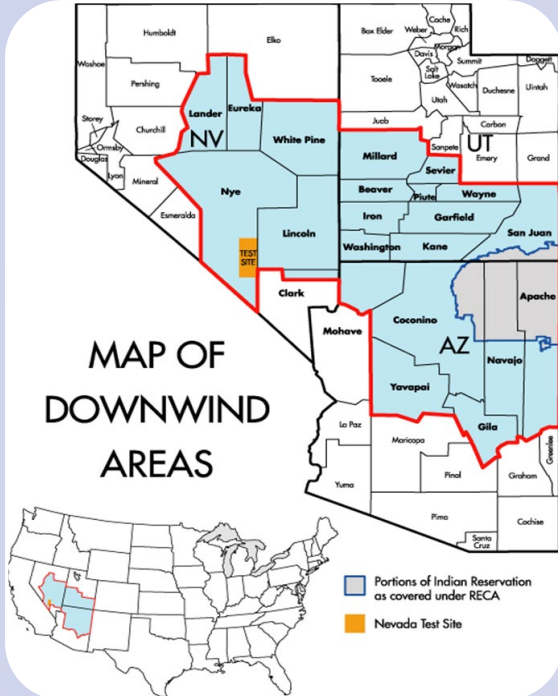
The Program uses existing records to decide claims quickly, reliably, and at a relatively low cost to the claimant. Reasonable doubt with respect to eligibility must be resolved in favor of the claimant.



Compensation is a one-time, lump sum payment of \$50,000 - \$100,000 depending on the context of presumed radiation exposure.



# Claimants under RECA



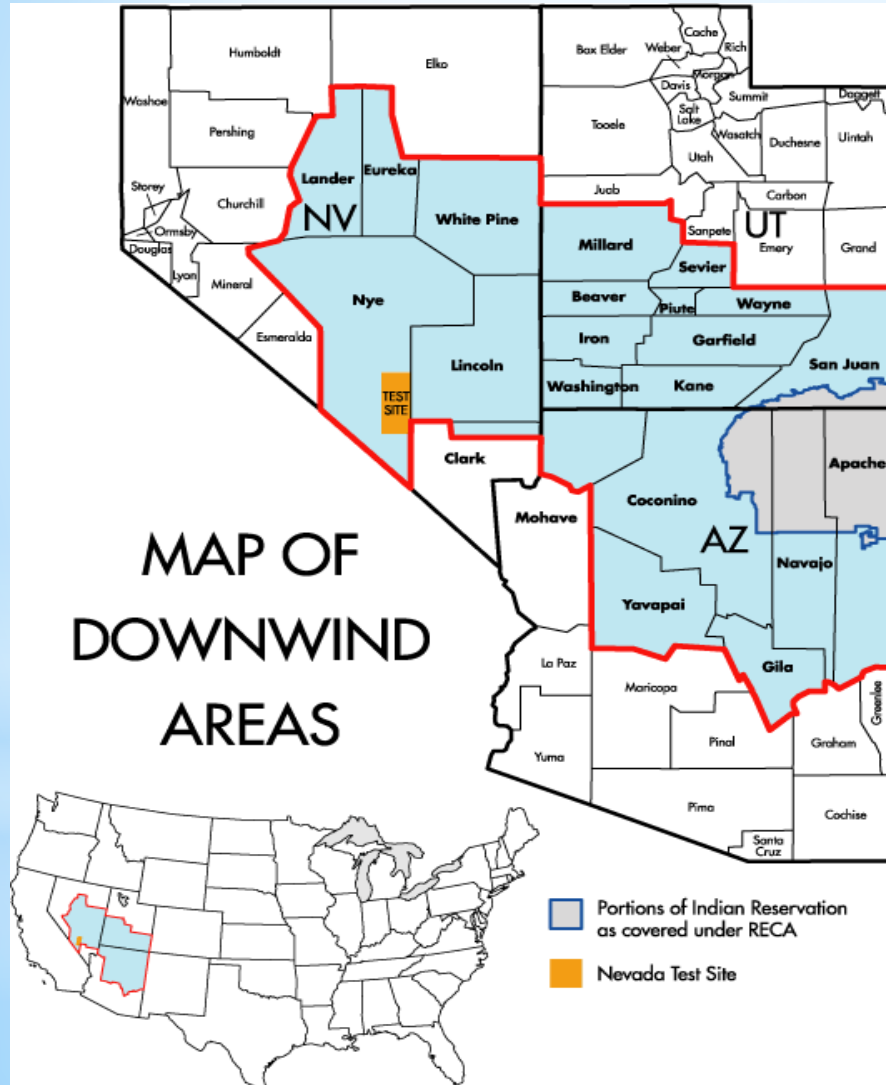
Downwinders  
\$50,000 if develop a covered cancer after presence in covered areas downwind from the Nevada Test Site.

Onsite Participants  
\$75,000 if develop a covered cancer after participation in an above-ground nuclear test at designated sites.

Uranium Workers  
\$100,000 if develop a covered illness after working in a covered uranium mine, mill, or ore transport operation.



# Downwinders



## Individuals who:

- Were physically present at any place within specified counties for at least two years (24 consecutive or cumulative months) during the period from January 21, 1951, to October 31, 1958; or
- Were physically present at any place within specified counties for the entire, continuous period from June 30, 1962, to July 31, 1962;

AND

subsequently contract a covered disease.



# Onsite Participants



- Government personnel and contractors who participated onsite in an above-ground nuclear test conducted by the United States

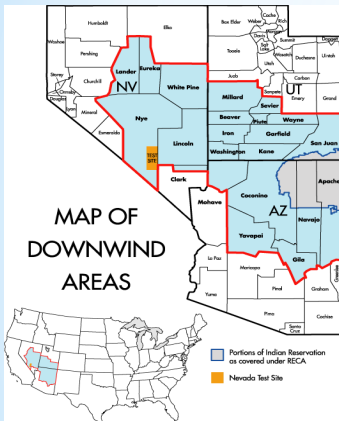
AND

subsequently contract a covered disease.

- “Onsite” means physical presence above or within
  - The Nevada Test Site;
  - The Pacific Test Sites;
  - The Trinity Test Site;
  - The South Atlantic Test Site;
  - Designated locations within a government installation where equipment used in an atmospheric nuclear detonation was decontaminated;
  - Designated locations used for the purpose of monitoring fallout from an atmospheric nuclear test conducted at the Nevada Test Site.



# Covered Diseases for Downwinders and Onsite Participants



Leukemia (other than chronic lymphocytic leukemia)

Multiple myeloma

Non-Hodgkin's lymphoma

Primary cancers of the:

- thyroid
- male or female breast
- esophagus
- stomach
- pharynx
- small intestine
- pancreas
- bile ducts
- gall bladder
- salivary gland
- urinary bladder
- brain
- colon
- ovary
- liver (except if cirrhosis or hepatitis B is indicated)
- lung.



# Uranium Workers



MAP OF  
URANIUM WORKER  
STATES



## Any individual who:

- Was employed in a uranium mine, uranium mill, or uranium ore transporting operation located in a covered state between **January 1, 1942, and December 31, 1971;**

AND

- Was employed as a miner, miller, or ore transporter for at least one year during the statutory period; or if employed as a uranium miner, was exposed to 40 or more working level months (WLMs) of radiation during covered employment;

AND

subsequently contracts a covered disease.



# Covered Diseases for Uranium Workers



- **Uranium Miners**
  - Primary cancer of the lung
  - Fibrosis of the lung, pulmonary fibrosis, cor pulmonale related to fibrosis of the lung, silicosis, or pneumoconiosis



- **Uranium Millers and Ore Transporters**
  - Primary cancer of the lung
  - Fibrosis of the lung, pulmonary fibrosis, cor pulmonale related to fibrosis of the lung, silicosis, or pneumoconiosis
  - Renal cancer
  - Chronic renal disease





# Eligible Beneficiaries



1. The **surviving spouse**, provided that the marriage occurred at least one year prior to the individual's death;
2. If there is no surviving spouse; the natural, adopted, or step-children;
3. If there are no surviving children; the **parents**;
4. If there are no surviving parents; the natural, adopted, or step-**grandchildren**;
5. If there are no surviving grandchildren, the **grandparents**.



# How to File a RECA Claim



## 1) Obtain a RECA claim form

- Print at [www.justice.gov/civil/common/reca](http://www.justice.gov/civil/common/reca)
- Call to request at 1-800-729-7327

## 2) Complete the RECA claim form

- Claim form must be substantially completed and signed under penalty of perjury.
- Claim must be accompanied by supporting documentation. See the claim form check list, or call us at 1-800-729-7327.

## 3) Mail the RECA claim form to the Department of Justice

- Claim forms and supporting documentation must be mailed to the Radiation Exposure Compensation Program, U.S. Department of Justice, P.O. Box 146, Ben Franklin Station, Washington, D.C. 20044-0146.



# RECA & EEOICPA



If your RECA Mining, Milling, or Ore Transporting claim is approved:

- You may be eligible for **\$50,000** under Part B of EEOICPA.
- You may be eligible for **medical benefits** under Part B of EEOICPA.
- You may be eligible for an **impairment/wage loss** award under Part E of EEOICPA.

If your RECA Mining, Milling, or Ore Transporting claim is denied:

- You may still be eligible for an **impairment/ wage loss** award under Part E of EEOICPA.

If your RECA Downwind or Onsite claim is approved:

- You are **NOT** eligible for an award under EEOICPA for **cancer**.



# Deadline For RECA Claims: July 11, 2022



- Under RECA, “a claim to which this Act applies shall be barred unless the claim is filed within 22 years after [July 10, 2000].” Sec. 8(a).

**Claims submitted to the Department of Justice must be POSTMARKED by July 11, 2022, to be deemed timely filed.**  
**Claims postmarked after July 11, 2022, shall be barred.**

- Claims postmarked by July 11, 2022, will be deemed timely filed, even if the claim is received after that date.
- DOJ cannot accept electronically submitted claims. 28 C.F.R. 79.71(a).
- The filing deadline applies to all claims - including refiles of a previously denied claim.



# RECA Trust Fund Terminates On or About July 10, 2022



- Section 3(d) of RECA states that the RECA Trust Fund terminates 22 years after July 10, 2000.
- It is recommended that claims and written communication be delivered to the RECA Program as soon as possible, because the trust fund that pays RECA claims sunsets at the filing deadline and it may not be possible to pay timely filed claims after the Trust Fund terminates.
- The Department is working with Congress to try to address the fact that the trust fund is set to terminate on the same day as the filing deadline, but to date this issue remains unresolved.
- Please return payment forms as quickly as possible, as payment cannot be guaranteed after the RECA Trust Fund terminates.



# Sunset and Section 5 Uranium Worker Claims



- **Section 5 uranium worker claims are paid by DOL from the EEOICP Fund. Energy Employees Occupational Illness Compensation Act, 42 U.S.C 7384 u(d).**
- **The filing deadline of July 11, 2022, applies to all RECA claims, including uranium worker claims.**
- **It is recommended that Section 5 claims and written communications be delivered to the RECA Program as soon as possible.**
- **After sunset, the Department will continue to work with DEEOICP to provide RECA claim records needed to adjudicate EEOICPA claims.**



# Legislative Update:



## Introduced RECA Bills:

H.R. 5338/S. 2798: Companion bills proposing to dramatically expand and extend RECA.

H.R. 538/612/S. 2012: Legislative proposals to expand the downwind area to include Mohave County, AZ, and Clark County, NV.

S. 2825: A proposal to expand the downwind area to include all of Utah and areas downwind of the TTS.



# Questions?



U.S. Department of Justice  
Radiation Exposure Compensation Program  
P.O. Box 146  
Ben Franklin Station  
Washington, D.C. 20044-0146

Telephone: 1-800-729-RECP (1-800-729-7327)  
Email: [civil.reca@usdoj.gov](mailto:civil.reca@usdoj.gov)

FOR UPDATES REGARDING SUNSET, PLEASE VISIT:  
[www.justice.gov/civil/common/reca](http://www.justice.gov/civil/common/reca)

