

PART A—ESTABLISHMENT OF COMPENSATION PROGRAM AND COMPENSATION FUND

**§ 7384d. Establishment of Energy Employees Occupational Illness Compensation Program**

**(a) Program established**

There is hereby established a program to be known as the “Energy Employees Occupational Illness Compensation Program” (in this subchapter referred to as the “compensation program”). The President shall carry out the compensation program through one or more Federal agencies or officials, as designated by the President.

**(b) Purpose of program**

The purpose of the compensation program is to provide for timely, uniform, and adequate compensation of covered employees and, where applicable, survivors of such employees, suffering from illnesses incurred by such employees in the performance of duty for the Department of Energy and certain of its contractors and sub-contractors.

**(c) Eligibility for compensation**

The eligibility of covered employees for compensation under the compensation program shall be determined in accordance with the provisions of part B as may be modified by a law enacted after the date of the submittal of the proposal for legislation required by section 7384f of this title.

(Pub. L. 106-398, §1 [div. C, title XXXVI, §3611], Oct. 30, 2000, 114 Stat. 1654, 1654A-497.)

**§ 7384e. Establishment of Energy Employees Occupational Illness Compensation Fund**

**(a) Establishment**

There is hereby established on the books of the Treasury a fund to be known as the “Energy Employees Occupational Illness Compensation Fund” (in this subchapter referred to as the “compensation fund”).

**(b) Amounts in compensation fund**

The compensation fund shall consist of the following amounts:

- (1) Amounts appropriated to the compensation fund pursuant to the authorization of appropriations in section 7384g(b) of this title.
- (2) Amounts transferred to the compensation fund under subsection (c) of this section.

**(c) Financing of compensation fund**

Upon the exhaustion of amounts in the compensation fund attributable to the authorization of appropriations in section 7384g(b) of this title, the Secretary of the Treasury shall transfer directly to the compensation fund from the General Fund of the Treasury, without further appropriation, such amounts as are further necessary to carry out the compensation program.

**(d) Use of compensation fund**

Subject to subsection (e) of this section, amounts in the compensation fund shall be used to carry out the compensation program.

**(e) Administrative costs not paid from compensation fund**

No cost incurred in carrying out the compensation program, or in administering the com-

penetration fund, shall be paid from the compensation fund or set off against or otherwise deducted from any payment to any individual under the compensation program.

**(f) Investment of amounts in compensation fund**

Amounts in the compensation fund shall be invested in accordance with section 9702 of title 31, and any interest on, and proceeds from, any such investment shall be credited to and become a part of the compensation fund.

(Pub. L. 106-398, §1 [div. C, title XXXVI, §3612], Oct. 30, 2000, 114 Stat. 1654, 1654A-497.)

**§ 7384f. Legislative proposal**

**(a) Legislative proposal required**

Not later than March 15, 2001, the President shall submit to Congress a proposal for legislation to implement the compensation program. The proposal for legislation shall include, at a minimum, the specific recommendations (including draft legislation) of the President for the following:

- (1) The types of compensation and benefits, including lost wages, medical benefits, and any lump-sum settlement payments, to be provided under the compensation program.
- (2) Any adjustments or modifications necessary to appropriately administer the compensation program under part B.
- (3) Whether to expand the compensation program to include other illnesses associated with exposure to toxic substances.
- (4) Whether to expand the class of individuals who are members of the Special Exposure Cohort (as defined in section 7384f(14) of this title).

**(b) Assessment of potential covered employees and required amounts**

The President shall include with the proposal for legislation under subsection (a) of this section the following:

- (1) An estimate of the number of covered employees that the President determines were exposed in the performance of duty.
- (2) An estimate, for each fiscal year of the compensation program, of the amounts to be required for compensation and benefits anticipated to be provided in such fiscal year under the compensation program.

(Pub. L. 106-398, §1 [div. C, title XXXVI, §3613], Oct. 30, 2000, 114 Stat. 1654, 1654A-498.)

**§ 7384g. Authorization of appropriations**

**(a) In general**

Pursuant to the authorization of appropriations in section 3103(a),<sup>1</sup> \$25,000,000 may be used for purposes of carrying out this subchapter.

**(b) Compensation fund**

There is hereby authorized to be appropriated \$250,000,000 to the Energy Employees Occupational Illness Compensation Fund established by section 7384e of this title.

(Pub. L. 106-398, §1 [div. C, title XXXVI, §3614], Oct. 30, 2000, 114 Stat. 1654, 1654A-498.)

<sup>1</sup> See References in Text note below.