



SENATOR HARRY REID, MAJORITY LEADER WORKING ON BEHALF OF NEVADA'S COLD WAR VETERANS



Senator Reid has been instrumental in securing benefits for thousands of Nevada's Cold War Veterans. He played a leading role in passing the Energy Employees Occupational Illness Compensation Program Act (EEOICPA) in 2000, and he has fought to ensure all eligible NTS workers who contracted illnesses as a result of their nuclear weapons work get compensated under this Act. Senator Reid's efforts include introducing legislation to put NTS workers in an expedited category known as a Special Exposure Cohort (SEC), asking President Bush to add NTS workers to an SEC, helping NTS claimants file a petition to form an SEC, lobbying the government to compensate those who worked at Area 51, testifying before the Advisory Board on Radiation and Worker Health, writing to numerous administration officials, and organizing a Congressional oversight hearing. Senator Reid will continue to fight to make sure all of Nevada's Cold War Veterans get the compensation that recognizes their immeasurable contributions to our nation's security and the great personal sacrifices – of both their health and their lives – that they have made.

Senator Reid was Instrumental in the Passage of the Energy Employees Occupational Illness Compensation Program Act (EEOICPA) in 2000.

This legislation provides monetary compensation and medical coverage to eligible Department of Energy (DOE) nuclear weapons workers (including employees, former employees, contractors, and subcontractors) with radiation-induced cancers, beryllium disease, or silicosis. In fact, without Senator Reid, silicosis would not have been included as a covered condition under the EEOICPA. Under Part B of EEOICPA, workers or their survivors are eligible for a lump sum of \$150,000. To date, over 900 Nevada Test Site (NTS) claims have been compensated and almost \$93 million in lump sum payments have been made under Part B of EEOIPCA. [H.R. 4205, Senate Vote 275, 10/12/00, P.L. 106-398; U.S. Department of Labor, EEOICP Program Statistics, Accessed 06/30/10]

Senator Reid Played an Important Role in the Passage of Legislation Expanding the EEOICPA to Cover Workers Who Developed an Illness Due to Exposure to Toxic Substances

SENATOR REID'S RECORD ON HELPING NEVADA TEST SITE WORKERS

- ★ Senator Reid was Instrumental in the Passage of the Energy Employees Occupational Illness Compensation Program Act (EEOICPA) in 2000
- ★ Senator Reid Played an Important Role in the Passage of Legislation Expanding the EEOICPA to Cover Workers Who Developed an Illness Due to Exposure to Toxic Substances in 2004
- ★ Senator Reid Championed the Addition of NTS Workers Employed During the Atmospheric Testing Years (1951-1962) to the Special Exposure Cohort (SEC)
- ★ Senator Reid Successfully Fought to Add NTS Workers Employed During the Underground Testing Years (1963-1992) to the SEC
- ★ Senator Reid Spearheaded the U.S. Senate HELP Committee's Hearing on EEOICPA and Testified on Behalf of Nevada's Cold War Veterans
- ★ Senator Reid Successfully Fought to Ensure Department of Energy Workers Employed at Area 51 Were Eligible for Compensation Under EEOICPA
- ★ Senator Reid Continues to Champion Expanding the Special Exposure Cohort to Cover Workers Employed Less than 250 Working Days at NTS and Expanding the List of Eligible Cancers and to Address Other Issues with the Implementation of EEOICPA

in 2004. Among other things, this amendment created Part E of EEOICPA, which provides variable compensation up to \$250,000, based on wage loss, impairment, and survivorship. To date, over 500 NTS claims have been compensated and almost \$59 million in lump sum payments have been made under Part E of EEOICPA. Under Parts B and E, over \$11 million dollars has been paid to NTS workers to cover medical costs for illnesses caused by their exposures at the test site. [H.R. 4200, Unanimous Consent, 6/23/04, PL. 108-375; U.S. Department of Labor, Nevada EEOICP Program Statistics, Accessed 06/30/10]

Senator Reid Championed the Addition of NTS Workers Employed During the Atmospheric Testing Years (1951-1962) to the Special Exposure Cohort (SEC). Membership in the SEC allows eligible claims to be compensated without the completion of a radiation dose reconstruction or determination of the probability of causation. To qualify for compensation under the SEC, a covered employee must have at least one of 22 “specified cancers” and have worked for a specified period of time at one of the SEC work sites. Determined to explore every avenue to add all of Nevada’s Cold War Veterans from 1951 to 1992 to the SEC, Senator Reid embarked upon a three-pronged strategy. First, on November 30, 2005, he wrote a letter to President Bush requesting that he add NTS workers to the SEC. Second, his office began to work with workers, survivors, and experts on a formal SEC Petition to cover all of Nevada’s Cold War Veterans. Finally, on March 17, 2006, Senator Reid sponsored legislation to add NTS workers to the expedited class.

Although Senator Reid never received a formal response from the President, in April 2006, the National Institute of Occupational Safety and Health (NIOSH), which is responsible for the dose reconstruction process, initiated SEC designation for NTS workers who worked at least 250 days from 1951 to 1962, the period of above ground testing at NTS. Senator Reid and his staff monitored this NIOSH-initiated SEC Petition process carefully and continued to work on a broader NTS SEC Petition. Membership in the SEC for the above ground testing years was passed by the Advisory Board on Radiation and Worker Health (Advisory Board) in May of 2006, and went into effect on July 26, 2006 faster than any previous NIOSH-initiated SEC thanks to Senator Reid’s efforts. At this time, Senator Reid asked the Advisory Board to consider adding workers employed fewer than 250 working days to the SEC, and he continues to champion this effort. According to the Department of Labor (DOL), over 500 cases have been compensated under Part B of the EEOICPA as a result of the Pre-1963 SEC. [Letter to President Bush, 11/30/05; S. 2439, Introduced 03/16/06; Reid Submitted Statement to Advisory Board, 06/15/06; Letter to NIOSH, 07/24/06; Reid Testimony to Advisory Board, 09/21/06; U.S. Department of Labor, Nevada EEOICP Program Statistics, Accessed 06/30/10]

Senator Reid Successfully Fought to Add NTS Workers Employed During the Underground Testing Years (1963-1992) to the SEC. With only workers employed during the atmospheric testing years added to the SEC, Senator Reid once again pursued legislation and his staff worked to submit an SEC Petition that was ultimately successful in adding the underground testing years to the cohort.

- **Legislation** After the establishment of the pre-1963 SEC, Senator Reid sponsored The Nevada Test Site Veterans’ Compensation Act of 2007, which would have added the underground testing years from 1962 to 1993 to the SEC. In July 2007, he tried to add this legislation as an amendment to the 2008 Department of Defense Authorization Bill. [S. 650, Introduced 02/15/07; S.Amdt. 2170 to H.R. 1585, Introduced 07/12/07]
- **Special Exposure Cohort Petition** Senator Reid’s office worked tirelessly with experts, workers, and survivors to submit a formal NTS SEC Petition on February 5, 2007, detailing the problems with NIOSH’s dose reconstruction process for NTS workers during the underground testing years. Over the next three years, Senator Reid monitored the progress of the petition, testified on behalf of Nevada’s Cold War Veterans, and wrote relevant agencies on behalf of claimants as needed. On February 10, 2010, the Advisory Board on Radiation and Worker Health voted to accept the petition

and on May 5, 2010, the petition became law. According to DOL, 1,365 claimants may be eligible for compensation under this SEC. As of July 8, 2010, 98 cases had been approved and 49 claimants paid a total of over \$6 million in benefits under this SEC. [Reid Testimony to Advisory Board, 09/21/06; Reid Testimony to Advisory Board, 01/09/08; Reid Letter to Advisory Board, 05/21/08; Reid Testimony at HELP Committee Hearing on EEOICPA, 10/23/07; Reid Letter to Advisory Board, 02/03/10]; U.S. Department of Labor

Senator Reid Spearheaded the U.S. Senate HELP Committee’s Hearing on EEOICPA and Testified on Behalf of Nevada’s Cold War Veterans. When Senator Reid helped pass EEOICPA in 2000, the bill specifically mandated the program be ‘claimant friendly,’ but for many Cold War Veterans, the claims process was anything but friendly. After hearing many stories of bureaucratic red tape and workers being denied because of poor record keeping by federal agencies, Senator Reid worked with the Senate Committee on Health, Education, Labor, and Pensions to hold a hearing investigating the EEOICPA’s claims process. Senator Reid testified at the hearing, relating some of his constituents’ bad experiences with the claims process. The hearing also heard testimony from DOL officials and industry experts. [HELP Committee Hearing: EEOICPA: Is the Program Claimant Friendly for Our Cold War Heroes?, 10/23/07]

Senator Reid Successfully Fought to Ensure Department of Energy Workers Employed at Area 51 Were Eligible for Compensation Under EEOICPA. Area 51 was under the control of DOE until 1999, and worker testimony demonstrated that NTS workers were exposed to radiation inside Area 51. However, until Senator Reid acted, claims for work inside Area 51 were being denied as ineligible, and officials at DOL could not even state if the site was an eligible facility under EEOICPA. In 2007, Senator Reid introduced legislation that would officially include Area 51 in EEOICPA, and in 2008, Senator Reid wrote to the relevant Directors at DOL, NIOSH, and DOE, demanding that they resolve the uncertainties surrounding the site’s status. In direct response to Senator Reid’s letter, DOL officially added Area 51 to the list of facilities covered under EEOICPA. [S. 650, Introduced 02/15/07; Letter to DOL, NIOSH, DOE 04/24/08; Letter from DOL, 06/25/08]

Senator Reid Continues to Champion Expanding the Special Exposure Cohort to Cover Workers Employed Less than 250 Working Days at NTS and Expanding the List of Eligible Cancers and to Address Other Issues with the Implementation of EEOICPA. Senator Reid understands that workers present at nuclear tests could easily have been exposed to enough radiation to cause cancer even if they worked less than 250 working days at NTS. He has worked to eliminate this arbitrary restriction for SEC eligibility so that all of Nevada’s Cold War Veterans can get the compensation they deserve. Senator Reid has also testified before the Advisory Board on the need to include basal cell carcinoma, chronic lymphocytic leukemia, and other illness in the list of eligible “occupational illnesses.” Early on in the Obama Administration, Senator Reid requested a meeting with newly appointed officials - Seth Harris, Deputy Secretary of DOL, and Dr. John Howard, Director of NIOSH - to talk about his concerns with the adjudication of EEOICPA claims at their agencies. On October 22, 2009, both officials personally assured Senator Reid that strengthening their agencies’ implementation of EEOICPA is a top priority for them. Senator Reid will continue to fight on these and other issues so that all of Nevada’s Cold War Veterans can be compensated in a manner that recognizes their service and sacrifice. [S.650, Introduced 02/15/07; S. A. 2170, filed 07/12/07; Reid Submitted Statement to Advisory Board, 06/15/06; Reid Testimony to Advisory Board, 09/21/06]

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