



*U.S. Department of  
Justice*

# Radiation Exposure Compensation Act Trust Fund

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FY 2023 Budget &  
Performance Plan

March 2022

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## **I. Overview for the Radiation Exposure Compensation Act**

The Radiation Exposure Compensation Act (“the Act” or “RECA”) offers an apology and monetary compensation to individuals who contracted certain cancers and other serious diseases as a result of their exposure to radiation released during above-ground nuclear weapons tests or as a result of their occupational exposure while employed in the uranium industry during the build-up to the Cold War.

The Department of Justice established the Radiation Exposure Compensation Act Program (“the Program”) within the Civil Division to adjudicate claims under the Act. Since the Program commenced operations in April 1992, over 52,100 claims have been filed and over \$2.4 billion has been awarded in connection with 38,521 approved claims through September 30, 2021; this reflects a 74 percent approval rate. Of the denials, only 16 claimants have sought review in Federal District Court.

The deadline to file new claims under RECA is July 11, 2022. The Radiation Exposure Compensation Act Trust Fund also terminates at that time. Although RECA provides twelve months for the Department to determine entitlement to compensation, the statute does not specify that timely filed meritorious claims will be paid after the fund’s termination date. Without Congressional action to clarify the statute, some timely filed claims that are adjudicated after the fund’s termination date may not be able to be paid.

This statutory conflict creates risk of litigation against the United States. Because the conflict is embedded in the statute, the Department lacks discretion to address it through administrative means. The Division looks forward to working with Congress to resolve the conflicts among these provisions of RECA, facilitate an orderly sunset, ensure compensation is provided to all eligible individuals who file a claim by the statutory deadline, and minimize the risk of litigation against the United States.

### **FY 2023 Estimate**

For Fiscal Year (FY) 2023, the Civil Division’s request assumes that a legislative fix will be provided for the conflicting Trust Fund sunset date. Regardless of whether such legislation is passed it is expected there will be a surge of claims as the program approaches the statute of limitations on July 11, 2022. This will require an estimated \$20.0 million in FY 2023 funding to pay claims not processed by the Fund’s sunset in July 2022.

### **Upholding the Civil Division’s Trust Responsibility to Tribal Nations**

The RECA Program works to uphold the Federal Government’s trust responsibility to tribal nations consistent with the Civil Division’s priorities. As of December 31, 2021 the Program has received 7,421 claims from members of tribal nations, representing 24 recognized tribes. Of those claims, 5,091 have been granted, totaling more than \$350 million in awards. Members of the Navajo Nation constitute 82 percent of the claimants who indicate tribal membership, and have received awards totaling more than \$286 million.

RECA’s downwind affected area covers land within multiple federally designated Indian reservations, including the Navajo, Hopi, and White Mountain Apache reservations. The

boundaries of these reservations, and others, include trust and restricted fee territories designated by federal treaties, executive orders, and acts of Congress. Many of the areas placed at increased risk of disease by atmospheric nuclear testing and uranium mining are covered by the United States’ trust responsibilities to tribal nations.

Because the termination of RECA’s Trust Fund, which pays downwind and onsite participant claims, is the same date as the last date to file claims, it will adversely affect many Native American claimants. Should funds be unavailable to pay timely filed claims, Native American RECA claimants may argue that the United States breached its trust responsibilities first by failing to protect federally designated tribal reservations from radiation exposure, and second by failing to adequately fund the program offering partial restitution.

**Significant Achievements**

***Broad Range of Award Recipients***

Compensation has been awarded to individuals residing in all 50 states, as well as several foreign countries. Residents of the “Four Corners” region of the American southwest (Arizona, New Mexico, Utah, and Colorado) filed the majority of the claims and received awards valued at approximately \$1.7 billion during the life of the program. Of the approximately \$2.5 billion awarded through December 31, 2021, approximately \$374 million has been awarded to veterans, civil servants, and contractors who participated onsite in atmospheric nuclear tests.

***Reduction of Claim Processing Time***

Another notable accomplishment is the continued reduction in the average claim processing time. In FY 2015, the Program averaged 207 days to process a claim. Each subsequent year, the program was able to reduce the processing time by an average of 24 days, or 14 percent. By FY 2021 the average processing time was 75 days, less than half the processing time of FY 2015. Current processing time for a claim is 85 days, due to the additional time required for claimants and the RECA Program to obtain information during the pandemic. Despite this notable progress, the Program expects that the processing time for claims will continue to grow because of the number of claims pending due to limitations on access to records brought about by the pandemic.

**II. Summary of Program Changes**

Item Name	Description				Pg.
	Pos.	FTE	Dollars (\$000)		
RECA Claims	0	0	-\$50,000		15

**III. Appropriations Language and Analysis of Appropriations Language**

The FY 2023 budget request does not include proposed changes in the appropriations language.

#### IV. Program Activity Justification

**Mission Statement:** Fairly and expeditiously adjudicate claims, fully consistent with the Radiation Exposure Compensation Act, as amended; educate the public about the Act; and develop strategies for improving the Program.

<b>RECA Program</b>	<b>Direct Pos.</b>	<b>Estimate FTE</b>	<b>Amount (\$ in thousands)</b>
2021 Enacted	0	0	\$70,000
2022 President's Budget	0	0	\$70,000
Adjustments to Base and Technical Adjustments	0	0	\$0
2023 Current Services	0	0	\$70,000
2023 Program Offsets	0	0	-\$50,000
2023 Request	0	0	\$20,000
<b>Total Change 2022-2023</b>	<b>0</b>	<b>0</b>	<b>-\$50,000</b>

#### Program Description

From 1945 through 1962, the United States conducted nearly 200 atmospheric nuclear weapons tests while building the arsenal that became the cornerstone of the Nation's Cold War security strategy. At the same time, other world powers also engaged in testing nuclear weapons. The mining and processing of uranium ore that was conducted by thousands of workers was essential to the development of nuclear weapons. Navajo uranium miners, and those living downwind of the Nevada Test Site, filed class action lawsuits that appellate courts eventually dismissed. Congress then devised a program to make partial restitution to the individuals who developed serious illnesses after their exposure to radiation released during above-ground atmospheric nuclear tests or following their employment in the uranium industry. On October 5, 1990, Congress passed RECA and later broadened the scope of its coverage on July 10, 2000.

The Act established monetary compensation for individuals who contracted specified diseases in three defined populations:

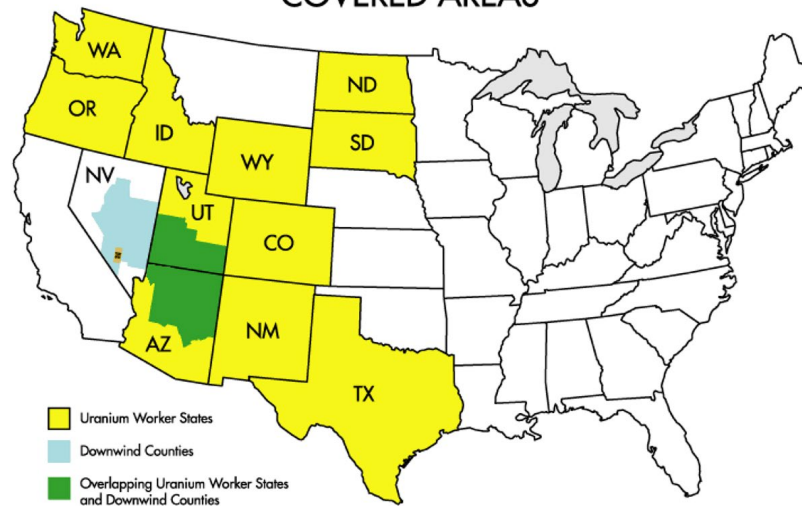
- Uranium workers (Section 5 claimants) – uranium miners, millers, and ore transporters receive \$100,000;
- Onsite participants (Section 4 claimants) – individuals present at atmospheric nuclear test locations receive \$75,000; and
- Downwinders (Section 4 claimants) – individuals who lived downwind of the Nevada Test Site receive \$50,000.

Department of Justice regulations were designed to utilize existing records so that claims could be resolved in a reliable, objective, and non-adversarial manner, with little administrative cost to the United States or to the claimant.

*“RECA claimants worked in hazardous occupations and were subjected to increased risk of disease to serve the national security interests of the United States. This extraordinary statute provides partial restitution to these individuals and their families for the sacrifices they made during a critical time in our nation’s history.”*

*~ Civil Division,  
March 2, 2015 Press Release*

## MAP OF RADIATION EXPOSURE COMPENSATION ACT COVERED AREAS



The map above shows the geographic areas covered by the Act. Although the vast majority of claims are filed by people living in the “Four Corners” region (Arizona, New Mexico, Utah, and Colorado), the Program has awarded compensation to individuals residing in every state as well as several foreign countries. The claimant population also includes numerous Native American tribes.

Today, the Program is part of a broad inter-agency network that comprises the comprehensive federal radiation compensation system, working with the Departments of Health and Human Services, Labor, Energy, Veterans Affairs, and Defense to administer the Act.

### **Funding History**

The RECA Trust Fund was funded out of discretionary appropriations from FY 1992 to FY 2001. Following enactment of the 2000 Amendments and a subsequent influx of new claims, the appropriation became insufficient to meet the number of claims deemed eligible for



compensation. In 2002, Congress addressed the problem within the Department of Defense Authorization Act for FY 2002, which established annual funding against mandatory spending caps. By 2003, however, the increased rate of new claim filings and approvals proved the caps to be inadequate. Working in close coordination, the appropriators and authorizers devised effective legislative solutions to the funding problems. The following statutes ensure that all eligible RECA claims will be paid in a timely manner throughout the life of the Program:

- The Consolidated Appropriations Act for 2005 contained language that made funding for the RECA Trust Fund mandatory and indefinite beginning in FY 2006. Henceforth, the Fund has exclusively paid onsite participants and downwinders (or Section 4 claimants). By statute, this fund will terminate on July 11, 2022.
- The National Defense Authorization Act for FY 2005 contained language requiring the Energy Employees Occupational Illness Compensation Fund to pay uranium workers – uranium miners, millers, and ore transporters (or Section 5 claimants). This trust fund does not terminate.

The COVID-19 pandemic was announced during March 2020. Stay-at-home orders, closures of medical facilities and federal records centers, and reduced public access to government offices resulted in a 25 percent reduction in RECA claims received by the Department during the last six months of FY 2020. Adjudications also declined 25 percent during the same period. While receipts and adjudications remained depressed during the first six months of FY 2021, successful public health measures and improved access to records resulted in an uptick in claims during the summer and fall of FY 2021. This uptick has been concentrated among uranium miners, millers, and ore transporters filing under Section 5 of RECA. The Program is focused intently on adjudicating claims efficiently and in a timely manner and continues to monitor and forecast approval rates and projected claim filings. Nonetheless, access to some records necessary for adjudicating claims remains limited, for reasons outside the RECA programs' control. Particularly, veterans filing as onsite participants have been negatively impacted by long-standing restricted access to personnel records that began in 2020, and remain in place. For others, limited access to health clinics in the southwest that screen for radiogenic diseases has impacted their ability to file claims.

### **Program Sunset**

By statute, the RECA Trust Fund “shall terminate 22 years after [July 10, 2000,] the date of enactment of the RECA Amendments of 2000.” The RECA statute of limitations states that “claims not filed within 22 years of [July 10, 2000] shall be barred.” These conflicting provisions create an ambiguous operational environment as the Program sunsets. Because of the limitations on the RECA Trust Fund, some eligible claims that are timely filed during the last days of the program may not be paid.

RECA affords the Department 12 months in which to decide entitlement to compensation. On December 9, 2020, the Department published a notice of procedures for RECA claims filed at the statutory deadline (the “Sunset Notice”). The Sunset Notice communicated that claims postmarked by Monday, July 11, 2022, would be deemed timely filed when received by the Department. Claims filed by uranium miners, millers, and ore transporters are paid from the

Energy Employees Occupational Illness Compensation Fund, which does not terminate. Accordingly, only claims filed by downwind and onsite Participant claimants, which are paid from the RECA Trust Fund, may be subject to a limitation of funds. Funding of \$20.0 million for FY 2023 to pay Section 4 claims timely filed by July 11, 2022 but unable to be processed and paid before the end of FY 2022 is requested in concert with ongoing efforts to clarify and correct the program sunset with legislative action that allows for claims to be paid, ensuring compensation is provided to those entitled and minimizing the risk of litigation against the United States.

### **Proposed Legislation**

On July 15, 2021, the Division delivered the legislative proposal summarized below to the majority and ranking leaders of the House and Senate Judiciary Committees, as well as to members representing RECA affected areas. The legislative proposal authored by the Division addresses the premature termination of the RECA Trust Fund in Section 3(d) of the Act. The proposal strikes the phrase, “The Fund shall terminate 22 years after the date of enactment of the Radiation Exposure Compensation Act Amendments of 2000,” and inserts the following language:

*The Fund shall terminate when the Attorney General determines, consistent with Section 6 of this Act, that all timely claims have either been paid or, to the extent any claims were denied, claimants have had full opportunity for administrative and judicial review of any such denials.*

The legislative proposal conforms the remaining language in 3(d) to liquidate remaining amounts in the fund at the time of the Attorney General’s determination.

The proposed language balances multiple interests: the time allocated to the Department for claim adjudication, the deadline for filing claims, and the statute of limitations for seeking judicial review of a denied claim. Section 6(d)(1) of RECA affords the Department 12 months in which to determine whether a timely filed claim is entitled to compensation, and extends that deliberation period to accommodate requests by the Department for additional evidence. Section 8(a) of RECA requires the Department to bar claims unless they are filed within 22 years after July 10, 2000, the date of enactment of the RECA Amendments of 2000. Section (6)(l) of RECA affords claimants the right to seek judicial review of a denied claim. Under 28 U.S.C. § 2401, a claimant must seek judicial review within six years from the agency’s final action.

The above provisions create an uncertain period in which the RECA Trust Fund may be required to pay claims. The Division’s legislative proposal addresses that uncertainty. At the filing deadline, the Department will know the full universe of timely filed claims, and is required by law to determine entitlement within the statutory deliberation period. Once the Department has determined entitlement, it will then be able to determine the statute of limitations timeframes on any denied claims, or when any litigation concerning those denied claims has concluded.

Because the termination of the RECA Trust Fund is set by statute, the Department lacks discretion to address the above conflicts by administrative measures. This proposed solution would avoid litigation against the United States that would likely follow if the RECA Trust Fund

terminates before entitlement is determined in a timely filed claim or if a timely filed claim is determined to be meritorious but is unable to be paid. Moreover, this solution would be needed even if Congress decided to expand the populations eligible for compensation under RECA prior to the Act's sunset.

The FY 2022 National Defense Authorization Act, enacted in December of 2021, included the following provision:

***Radiation exposure compensation.*** *Noting that the Radiation Exposure Compensation Act expires on July 9, 2022, the NDAA endorses the idea that the U.S. should continue compensating individuals who have experienced illnesses linked to radiation from atmospheric nuclear weapons testing or from their employment in the uranium industry. [Sec. 3141] While the provision does not itself extend such compensation, there is a bipartisan proposal pending in Congress to extend the act by 19 years and expand the categories of people who are eligible for compensation.*

The Department looks forward to continuing to work with Congress to address the termination of the RECA trust fund.

### **Introduced Legislation**

The Program closely tracks legislation pending before Congress which would amend the current statute. Moreover, the Program strives to be responsive to congressional inquiries and works with the Department's Office of Legislative Affairs to provide useful information to members and their staffs. The current workload estimates and funding projections, however, are based on the current law and do not account for the possible impact of any of the proposed statutory changes described below. Obviously, any such changes could dramatically change the Program as well as the amount requested from the Trust Fund.

The following bills have been introduced in the 117<sup>th</sup> Congress. The last two discussed, H.R. 5338 and S. 2798, exponentially expand the scope of the law and extend RECA for an additional 19 years:

- H.R. 538 / S. 2012, The Downwinders Parity Act of 2021, would expand the downwind affected area to include the entire areas of Clark County, Nevada, and Mohave County, Arizona. Additionally, the bill extends the termination date of the RECA Trust Fund to July 10, 2027, without altering the deadline for filing claims. Because the bills would extend coverage to include Las Vegas, Nevada, and Kingman, Arizona, they would have significant impact on RECA workload and cost estimates.
- H.R. 612, also titled The Downwinders Parity Act of 2021, would expand the downwind affected area to include the entirety of Clark County, Nevada, and Mohave County, Arizona, and require the Department to report to Congress on efforts to conduct outreach to communities made newly eligible for benefits. Unlike H.R. 538, H.R. 612 does not extend the RECA Trust Fund. Because the bill would extend coverage to Las Vegas, Nevada, and Kingman, Arizona, it would have a significant impact on RECA workload and cost estimates.

- S. 2825 titled as The Downwinders Act would reauthorize RECA for 10 years, expand downwinder classification in Utah and New Mexico, require the Department of Health and Human Services, in consultation with the Department of Energy, to study and produce evidence-based data that would identify additional counties that were affected by radiation fall-out due to open air atomic testing in Nevada and New Mexico. The costs of the reauthorization would be paid through the auction of 100 megahertz of spectrum.
- H.R. 5338, and the companion bill in the Senate, S. 2798, the Radiation Exposure Compensation Act Amendments of 2021 are the most expansive of the bills pending in Congress. These amendments would extend the RECA program until 19 years after the bill's enactment date and expand eligibility for compensation payments to cover additional diseases and downwinder communities in Arizona, Colorado, Idaho, Montana, Nevada, New Mexico, Utah, and Guam. Other key provisions increase award amounts to \$150,000, and the proposed bill includes medical benefits as part of an award. Previously awarded claimants are permitted to apply for additional compensation and medical benefits. It also extends coverage for uranium workers from the current 1971 limit to December 31, 1990 and adds uranium core drillers to the law's coverage. H.R. 5338 was sent to the full House by the House Judiciary Committee after mark-up and 25-8 vote. The companion bill, S. 2798 is currently pending in the Senate Judiciary Committee.

### **Hearings**

On March 24, 2021, the Subcommittee on the Constitution, Civil Rights, and Civil Liberties of the House Judiciary Committee held a hearing entitled "Examining the Need to Expand Eligibility Under the Radiation Exposure Compensation Act." Testimony was heard from members of Congress and from advocates for an expansion of the RECA eligibility criteria. Several members of Congress, in roles as witnesses and as members of the committee, noted that RECA's upcoming filing deadline in July 2022 presented an issue of concern.

### **Claims Data**

On the following page is data concerning Section 4 and Section 5 claims. Actual data for the last four years, as well as claim estimates for FY 2022 and FY 2023 are provided.

<b>Claims Filed and Approved</b>							
(Dollars in Thousands)							
	<b>FY 2017</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>	<b>FY 2023</b>
	<b>Actual</b>	<b>Actual</b>	<b>Actual</b>	<b>Actual</b>	<b>Actual</b>	<b>Estimate</b>	<b>Estimate</b>
<b>Section 4 Claims – Downwinders and Onsite Participants</b>							
<b>Downwinders</b>							
Pending, Beginning of Year	309	236	282	218	108	178	273
Claims Filed	894	1,052	1,020	842	838	1,037	0
Claims Approved	863	904	1,000	858	720	903	229
Total Value of Approvals	\$43,200	\$45,200	\$50,000	\$42,900	\$36,000	\$45,150	\$11,500
<b>Onsite Participants</b>							
Pending, Beginning of Year	170	131	116	84	57	60	132
Claims Filed	299	299	263	230	233	244	0
Claims Approved	232	203	189	197	189	150	110
Total Value of Approvals	\$17,104	\$15,020	\$13,936	\$14,667	\$13,946	\$10,938	\$8,325
<b>Subtotal Section 4 Claims</b>							
Pending, Beginning of Year	479	367	398	302	165	238	405
Claims Filed	1,193	1,351	1,283	1,072	1,071	1,281	0
Claims Approved	1,095	1,107	1,189	1,055	909	1,053	339
Total Value of Approvals	\$60,304	\$60,220	\$63,936	\$57,567	\$49,946	\$56,088	\$19,825
<b>Section 5 Claims – Uranium Miners, Millers, and Ore Transporters</b>							
Pending, Beginning of Year	141	134	93	46	43	192	190
Claims Filed	207	191	221	159	316	168	0
Claims Approved	129	146	191	109	134	130	135
Total Value of Approvals	\$12,900	\$14,600	\$19,100	\$10,900	\$13,400	\$13,000	\$13,500

**Radiation Exposure Compensation Act Workload  
Claims Filed and Approved**  
(Dollars in Thousands)

	<b>FY 2017 Actual</b>	<b>FY 2018 Actual</b>	<b>FY 2019 Actual</b>	<b>FY 2020 Actual</b>	<b>FY 2021 Actual</b>	<b>FY 2022 Estimate</b>	<b>FY 2023 Estimate</b>
<b>TOTAL (Section 4 Claims and Section 5 Claims)</b>							
Pending, Beginning of Year	620	501	491	348	208	430	595
Claims Filed	1,400	1,542	1,504	1,231	1,387	1,449	0
Claims Approved	1,224	1,253	1,380	1,164	1,043	1,183	474
Claims Denied	295	299	267	218	131	226	121
Total Adjudications	1,519	1,552	1,647	1,382	1,174	1,409	595
Approval Rate	81%	81%	84%	84%	89%	84%	80%
<b>Total Value of Approvals</b>	<b>\$73,204</b>	<b>\$74,820</b>	<b>\$83,036</b>	<b>\$68,467</b>	<b>\$63,346</b>	<b>\$69,088</b>	<b>\$33,325</b>

## Performance and Resources Tables

Decision Unit: Radiation Exposure Compensation Act												
RESOURCES (\$ in thousands)			Target		Actual		Target		Changes		Requested (Total)	
			2021		2021		2022		Current Services Adjustments and FY 2023 Program Changes		FY 2023 Request	
Total Costs and FTE			FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
(reimbursable FTE are included, but reimbursable costs are bracketed and not included in the total)			0	70,000	0	70,000	0	70,000	0	-50,000	0	20,000
TYPE	STRATEGIC OBJECTIVE	PERFORMANCE	FY 2021		FY 2021		FY 2022		Current Services Adjustments and FY 2023 Program Changes		FY 2023 Request	
Performance Measure	2.6	1. Maintain an average claim processing time of 200 days	200		75		200		N/A		200	
Performance Measure	2.6	2. Percentage of claims paid within six weeks of Program receipt of acceptance form	90%		97%		90%		N/A		90%	
Performance Measure	2.6	3. Percentage of claim appeals adjudicated within 90 days of filing administrative appeal	95%		100%		95%		N/A		95%	
Performance Measure	2.6	4. Percentage of claims adjudicated within 12 months or less.	80%		97%		80%		N/A		80%	

<b>Performance Measure Table</b>						
<b>Decision Unit: Radiation Exposure Compensation Act</b>						
<b>Strategic Objective</b>	<b>Performance Measures</b>			<b>FY 2021</b>	<b>FY 2022</b>	<b>FY 2023</b>
				<b>Actual</b>	<b>Target</b>	<b>Target</b>
2.6	Performance Measure	1. Maintain an average claim processing time of 200 days		75	200	200
2.6	Performance Measure	2. Percentage of claims paid within six weeks of Program receipt of acceptance form		97%	90%	90%
2.6	Performance Measure	3. Percentage of claim appeals adjudicated within 90 days of filing administrative appeal		100%	95%	95%
2.6	Performance Measure	4. Percentage of claims adjudicated within 12 months or less		97%	80%	80%



## **Performance, Resources, and Strategies**

The Program office is located in Washington, D.C. and is currently administered by a staff of four attorneys, five claims examiners, and seven contractors within the Constitutional and Specialized Torts Litigation Section of the Civil Division's Torts Branch. The support staff reviews claim packages, assists claimants with their applications, facilitates payments, and manages case files. The RECA Program strives to fairly and efficiently process and resolve claims. In recent years, the Program has generally far surpassed its goals for the timely processing and adjudication of claims.

### ***a. Performance Plan and Report for Outcomes***

The Civil Division is committed to vigilance in protecting and supporting all communities, including the most vulnerable ones, and to improving and expanding victim support both within and outside the criminal justice system. The RECA Program supports the Civil Division in this goal, as well as in the promotion of safety and justice for victims in Indian country, via the administration of compensation programs enacted by Congress that offer non-litigation solutions for radiation exposure claimants. The Program has a number of performance measures that are included in the Civil Division's Performance Tables.

### ***b. Strategies to Accomplish Outcomes***

The Program will employ the following strategies to accomplish this mission:

- Utilize skilled claims examiners to conduct the initial review and processing of claims, freeing the Program attorneys to maximize efficiency by concluding the adjudication and render the final determination.
- Access external data sources, such as the Social Security Administration, the National Institute for Occupational Safety and Health, the Public Health Service, and state cancer and tumor registries to assist claimants in securing the necessary documentation to support their claims and reduce the burden on claimants.
- Coordinate with the Department of Labor's Energy Employees Occupational Illness Compensation Program to ensure that eligible Section 5 RECA claimants receive compensation in a timely manner. This includes the review of claimant files to decide eligibility pursuant to the Energy Employees Occupational Illness Compensation Program Act.
- Coordinate with the U.S. Department of Health and Human Services' Radiation Exposure Screening and Education Program to assist grantees in providing relevant information to individuals screened for disease in the affected geographic regions.
- Brief Members of Congress and their staffs as requested. Provide information to Members of Congress and the public in an open, timely, and complete manner.

- Use a toll-free telephone line and website to communicate with claimants and publish regularly updated statistical information on [www.data.gov](http://www.data.gov).
- Respond timely to all media inquiries to ensure accurate information is disseminated to the public about the Program.

**V. Program Increase:**

Not Applicable.

**VI. Program Offsets by Item**

**Item Name: Radiation Exposure Compensation Act (RECA) Claims**

Budget Decision Unit(s): Radiation Exposure Compensation Act  
Organizational Program: Civil Division, Radiation Exposure Compensation Act (RECA) Program

Program Offset: Positions 0 Atty 0 FTE 0 Dollars -\$50,000,000

**Description of Item**

The Civil Division seeks a program decrease of -\$50.0 million from the FY 2022 requested amount to pay the remaining Radiation Exposure Compensation Act (RECA) claims in FY 2023. This decrease will provide \$20.0 million to pay the eligible claims anticipated.

**Justification**

A reduction in funding of \$50.0 million is proposed relative to FY 2022 due to the sunset of the RECA program; however, it is essential to receive at least this limited level of FY 2023 post-sunset funding in order to allow for the payment of all timely filed approved Section 4 claims unable to be processed and paid during FY 2022. If these claims are unable to be paid, not only will deserving claimants be left without the funds to which they would otherwise be entitled; there is a risk of litigation against the United States, which could lead to far higher costs.

**1. Base Funding**

<i>FY 2021 Enacted</i>				<i>FY 2022 President's Budget</i>				<i>FY 2023 Current Services</i>			
Pos	Agt/Atty	FTE	\$(000)	Pos	Agt/Atty	FTE	\$(000)	Pos	Agt/Atty	FTE	\$(000)
0	0	0	\$70,000	0	0	0	\$70,000	0	0	0	\$70,000

**2. Personnel Increase/Reduction Cost Summary**

Not applicable.

**3. Non-Personnel Increase/Reduction Cost Summary**

Non-Personnel Item	FY 2023 Request (\$000)	Unit Cost (\$000)	Quantity	Annualizations (\$000)	
				FY 2024 (net change from 2023)	FY 2025 (net change from 2024)
RECA Claims	-\$50,000	N/A	N/A	\$0	\$0
<b>Total Non-Personnel</b>	<b>-\$50,000</b>	<b>N/A</b>	<b>N/A</b>	<b>\$0</b>	<b>\$0</b>

**4. Justification for Non-Personnel Authorizations**

Not applicable.

**5. Total Request for this Item**

Category	Positions			Amount Requested (\$000)			Annualizations (\$000)	
	Count	Agt/Atty	FTE	Personnel	Non-Personnel	Total	FY 2024 (net change from 2023)	FY 2025 (net change from 2024)
Current Services	0	0	0	\$0	\$70,000	\$70,000	\$0	\$0
Offsets	0	0	0	\$0	-\$50,000	-\$50,000	\$0	\$0
<b>Grand Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>\$0</b>	<b>\$20,000</b>	<b>\$20,000</b>	<b>\$0</b>	<b>\$0</b>

**6. Affected Crosscuts**

Not applicable