



DEPARTMENT OF DEFENSE
OFFICE OF GENERAL COUNSEL
WASHINGTON, D. C. 20301

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August 4, 1978

Dr. James L. Liverman
Acting Assistant Secretary
for Environment
Department of Energy
20 Massachusetts Avenue, N.W.
Washington, D.C. 20545

Dear Jim:

Enclosed is a draft position for health and medical claims.

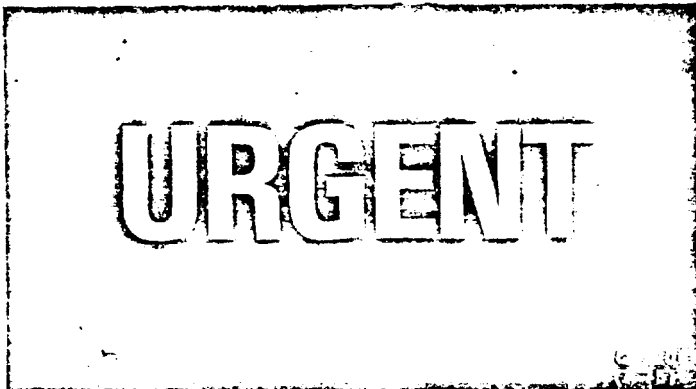
I would like to meet with you to discuss these on Monday, if at all possible.

Regards,

Sincerely,

Richard J. Stone
Office of the Assistant General Counsel
for International, Intelligence
and Investigative Programs

Enclosure



*Mr. Liverman
Request
Monday
meeting
discuss*

NEGOTIATING POSITION FOR HEALTH AND MEDICAL CLAIMS

I. INTRODUCTION.

The negotiating position of the United States Government for health and medical claims should have two goals. First, a comprehensive program of health and medical care must be provided for all radiation-related injuries. Second, injured individuals must be compensated adequately for their harm. To achieve these goals, the negotiating position must include periodic medical examinations to identify radiation-related ailments; comprehensive health and medical care to treat all such ailments; and adequate compensation.

There is no reason to treat individuals of one atoll differently from individuals of any other atoll. The negotiating position should offer the same program to all individuals without distinction. Existing legislation proposed by the Department of the Interior for the peoples of Rongelap and Utirik Atolls (Pub. L. No. 95-134) should be used as the starting point for this program. The benefits of this legislation should be extended to all affected peoples and supplemented as needed to achieve the goals outlined above. However, to avoid double recovery, individuals should be compensated only once for an injury.

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II. NEGOTIATING POSITION.

The United States Government negotiating position ought to be as follows:

A. Periodic Medical Examination.

The United States Government will provide a comprehensive medical examination annually to individuals as follows:

(1) Enewetak and Bikini Atolls. To each resident of the atolls.

(2) Rongelap and Utirik Atolls. To each person who was a resident on March 1, 1954, and to progeny of such persons.

B. Health and Medical Care.

The United States Government will provide comprehensive health and medical care for any radiation-related ailment, including any necessary hospitalization, surgery, post-operative care and rehabilitation. The details of any such program should be the subject of negotiation.

C. Compensation.

The United States Government will make payments in compensation for radiation-related injuries as follows:

(1) \$25,000 to each person who develops certain defined radiation-related ailments;

(2) An amount not to exceed \$100,000 to the heirs or estate of any person who dies as a result of a radiation-related ailment;

(3) \$1,000 to each person who was a resident of Rongelap Atoll or Utirik Atoll on March 1, 1954, and \$1,000 to each person who was resident of Bikini Atoll during the period January 1, 1970 to date;

*What
constitutes
residence?*

(4) \$25,000 or less, as the Secretary of the Interior shall determine, as "compassionate compensation" for radiologically-related injuries, apart from those mentioned above.