

86TH CONGRESS
1ST SESSION

H. R. 7014

IN THE HOUSE OF REPRESENTATIVES

MAY 7, 1959

Mr. FOGARTY introduced the following bill; which was referred to the Committee on Interstate and Foreign Commerce

A BILL

To provide for the vesting of primary responsibility for the protection of the public health and safety from radiation hazards in the Public Health Service of the Department of Health, Education, and Welfare, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 SHORT TITLE

4 SECTION 1. This Act may be cited as the "Radiation
5 Hazards Act of 1959".

6 DECLARATION OF POLICY

7 SEC. 2. The Congress hereby affirms and declares that
8 the primary responsibility for the protection of the public
9 health and safety from the dangers of ionizing radiation

1 should reside in those Federal, State, and local agencies
2 which have primary responsibilities for the protection of the
3 public health. In recognition of the danger to the public
4 health and safety from such radiation it is the purpose of this
5 Act to vest in the Surgeon General of the Public Health
6 Service, under the supervision and direction of the Secretary
7 of Health, Education, and Welfare, the administration of this
8 Act with authority to undertake and provide support and aid
9 for research relating to the control of radiation hazards, to
10 make technical assistance available to States and localities,
11 to develop through research and studies, and in consultation
12 with Federal, State, and local agencies, uniform standards
13 of radiation protection, and to provide for the training of pro-
14 fessional and technical personnel in matters relating to radia-
15 tion hazard control.

16 DEFINITIONS

17 SEC. 3. As used in this Act, the term—

18 (1) "Secretary" means the Secretary of Health, Educa-
19 tion, and Welfare;

20 (2) "Surgeon General" means the Surgeon General of
21 the Public Health Service;

22 (3) "State" means a State, the District of Columbia,
23 the Commonwealth of Puerto Rico, or the Virgin Islands;

24 (4) "Radiation hazard" means a source of ionizing
25 radiation created or developed by man, including X-ray ma-

1 chines, nuclear reactors and their radioisotopic byproducts,
2 high-energy particle accelerators, concentrated forms of nat-
3 urally occurring radioactive materials, and the fallout con-
4 stituents of nuclear weapons, which alone or in conjunc-
5 tion with other sources endangers or may endanger the pub-
6 lic health.

7 UNIFORM STANDARDS OF RADIATION PROTECTION, COMPRE-
8 HENSIVE PROGRAM

9 SEC. 4. (a) The Surgeon General shall, through re-
10 search and studies, develop improved and uniform standards
11 of radiation protection. In the development of such stand-
12 ards the Surgeon General shall consult with Federal, State,
13 and local agencies exercising responsibilities in connection
14 with the control of radiation hazards.

15 (b) The Surgeon General shall, after study and investi-
16 gation, and after consultation with Federal, State, and local
17 agencies exercising responsibilities in connection with the
18 control of radiation hazards, develop in the interests of the
19 public health and safety a comprehensive program which
20 vests in the Surgeon General primary responsibility for the
21 adequate control and regulation of such hazards. Such
22 program shall include, among other relevant matters, recom-
23 mendations for procedures to resolve any conflicts between
24 the Surgeon General arising out of the discharge of his
25 responsibilities under such program and other Federal

1 agencies in the exercise of their functions and responsibili-
2 ties. Such program shall further include recommendations
3 with respect to (1) the proper role of the States in matters
4 pertaining to radiation hazard control, (2) the financing
5 of Federal and State activities under such program, and
6 (3) the provision of assistance to the States in the develop-
7 ment of model and uniform laws relating to the control
8 of radiation hazards. Such program shall be set forth in
9 a report submitted to the Congress on or before February
10 28, 1960. Recommendations for legislation deemed neces-
11 sary by the Surgeon General to implement such program
12 shall be set forth in such report.

13 RESEARCH, STUDIES, TRAINING, AND INFORMATION

14 SEC. 5. (a) The Surgeon General shall conduct in the
15 Public Health Service research, studies, and investigations,
16 relating to the control of radiation hazards; shall encourage,
17 cooperate with, and render assistance to other appropriate
18 public and private agencies, institutions and individuals in
19 the conduct of such research, studies, and investigations; and
20 shall promote the coordination of such activities. In carrying
21 out the foregoing the Surgeon General is authorized to—

22 (1) collect and make available, through publications
23 and other appropriate means, the results of, and other
24 information concerning, research and studies relating to
25 the nature and extent of radiation hazards, and the con-

1 trol thereof, including appropriate recommendations in
2 connection therewith;

3 (2) make grants-in-aid to public or private agencies
4 and institutions and to individuals for research and train-
5 ing projects, and provide for the conduct of research and
6 training by contract with public or private agencies and
7 institutions without regard to sections 3648 and 3709
8 of the Revised Statutes;

9 (3) secure, from time to time and for such periods
10 as he deems advisable, the assistance and advice of
11 experts and consultants as authorized by section 15 of
12 the Administrative Expenses Act of 1946; and

13 (4) provide training in technical matters relating
14 to the nature and control of radiation hazards to per-
15 sonnel of public agencies and other appropriate persons
16 with suitable qualifications.

17 (b) The Surgeon General may, upon request of any
18 Federal, State, or local agency, conduct investigations and
19 research and make surveys concerning any specific problem
20 of radiation hazard control with a view to recommending
21 a solution of such problem.

22 (c) The Surgeon General shall cooperate in interna-
23 tional research activities consistent with the purposes of
24 this Act.

1 NATIONAL ADVISORY COUNCIL ON RADIATION HAZARD
2 CONTROL

3 SEC. 6. (a) There is hereby established in the Public
4 Health Service a National Advisory Council on Radiation
5 Hazard Control, consisting of the Surgeon General, who
6 shall be Chairman, the Chairman of the Atomic Energy
7 Commission, the Secretary of Defense, and the Director
8 of the National Science Foundation, or their designees, and
9 eleven members appointed by the President. The appointed
10 members shall be selected from among representatives of
11 various State or local governmental agencies, and of other
12 public or private agencies, organizations, or groups with
13 demonstrated knowledge of, and an active interest in, the
14 field of radiation hazard control, as well as other individuals
15 who are expert in the field.

16 (b) The Council shall—

17 (1) advise and assist the Surgeon General in the
18 formulation of the programs authorized by this Act and
19 in the preparation of general regulations prescribed
20 thereunder;

21 (2) make such recommendations to the Surgeon
22 General with respect to the granting of assistance for
23 research or training under section 5 as it deems advis-
24 able; and

1 (3) make such recommendations to the Surgeon
2 General with respect to the development of the compre-
3 hensive program for the control of radiation hazards,
4 which is to be prepared and submitted to the Congress
5 under section 4 (c), as it may deem advisable.

6 (c) Appointed members of the Council, while attend-
7 ing meetings, conferences or meetings of the Council, or while
8 otherwise serving at the request of the Secretary, shall be
9 entitled to receive compensation at a rate to be fixed by the
10 Secretary of Health, Education, and Welfare, but not ex-
11 ceeding \$50 per diem, including traveltime, and while away
12 from their homes or regular places of business they may be
13 allowed travel expenses, including per diem in lieu of sub-
14 sistence, as authorized by law (5 U.S.C. 73b-2) for per-
15 sons in the Government service employed intermittently.

16 (d) (1) Any appointed member of the Council is
17 hereby exempted, with respect to such appointment, from
18 the operation of sections 281, 283, 284, and 1914 of title 18
19 of the United States Code, and section 190 of the Revised
20 Statutes (5 U.S.C. 99), except as otherwise specified in
21 paragraph (2) of this subsection.

22 (2) Such exemption shall not extend—

23 (A) to the receipt or payment of salary, in con-
24 nection with the appointee's service as a member of the

1 Council, from any source other than the private em-
2 ployer of the appointee at the time of his appointment,
3 or

4 (B) during the period of such appointment, and
5 the further period of two years after the termination
6 thereof, to the prosecution or participation in the prose-
7 cution, by any person so appointed, of any claim against
8 the Government involving any matter concerning which
9 the appointee had any responsibility arising out of his
10 appointment during the period of such appointment.

11 ADMINISTRATION

12 SEC. 7. (a) The Surgeon General may, with the ap-
13 proval of the Secretary, prescribe such regulations as are
14 necessary to carry out his functions under this Act. The
15 Surgeon General may delegate to any officer or employee of
16 the Public Health Service such of his powers and duties
17 under this Act, except the making of regulations, as he
18 may deem necessary or expedient.

19 (b) The Secretary, with the consent of the head of any
20 other agency of the United States, may utilize such officers
21 and employees of such agency as may be found necessary to
22 assist in carrying out the purposes of this Act.

23 REPORTS

24 SEC. 8. In addition to the report to be submitted by the
25 Surgeon General to the President for submission to the Con-

1 gress under section 4 (b), the Surgeon General shall submit
2 annual reports thereafter to the President for transmission to
3 the Congress, summarizing the activities under this Act
4 and making such recommendations as he may deem appro-
5 priate. Any such report shall include recommendations
6 made by the National Advisory Council on Radiation Haz-
7 ard Control and the action taken with respect thereto.

8 **OTHER AUTHORITY NOT AFFECTED**

9 **SEC. 9.** This Act shall not be construed as impairing or
10 limiting the authority conferred on any agency or officer of
11 the United States conferred by any other Act of Congress.

12 **AUTHORIZATION FOR APPROPRIATIONS**

13 **SEC. 10.** There are hereby authorized to be appropriated
12 to the Department of Health, Education, and Welfare such
13 sums as may be necessary to enable it to carry out its func-
14 tions under this Act.

86TH CONGRESS
1ST SESSION

H. R. 7014

A BILL

To provide for the vesting of primary responsibility for the protection of the public health and safety from radiation hazards in the Public Health Service of the Department of Health, Education, and Welfare, and for other purposes.

By Mr. FOGARTY

MAY 7, 1959

Referred to the Committee on Interstate and Foreign
Commerce