

116TH CONGRESS
1ST SESSION

H. R. 3783

To amend the Radiation Exposure Compensation Act to improve compensation for workers involved in uranium mining, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 16, 2019

Mr. LUJÁN (for himself, Mr. GALLEGRO, Mr. GRIJALVA, Mrs. KIRKPATRICK, Mr. O'HALLERAN, Mr. STANTON, Mr. CÁRDENAS, Ms. MATSUI, Mr. CROW, Ms. DEGETTE, Mr. NEGUSE, Ms. NORTON, Mr. HASTINGS, Mr. SOTO, Mr. SAN NICOLAS, Mr. KENNEDY, Mr. MCGOVERN, Mr. BUTTERFIELD, Ms. KUSTER of New Hampshire, Ms. TORRES SMALL of New Mexico, Ms. HAALAND, Ms. TITUS, Mr. HIGGINS of New York, Mr. TONKO, Mr. BLUMENAUER, Mr. DEFazio, Mr. SCHRADER, Mr. MICHAEL F. DOYLE of Pennsylvania, Mr. COHEN, Mr. DOGGETT, Ms. JACKSON LEE, Ms. DELBENE, Mr. HECK, Ms. JAYAPAL, Mr. KILMER, Mr. SMITH of Washington, Mrs. NAPOLITANO, Mr. PERLMUTTER, and Ms. JOHNSON of Texas) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on Education and Labor, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Radiation Exposure Compensation Act to improve compensation for workers involved in uranium mining, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Radiation Exposure
3 Compensation Act Amendments of 2019”.

4 **SEC. 2. FINDINGS, PURPOSE, AND APOLOGY.**

5 Section 2(a)(1) of the Radiation Exposure Com-
6 pensation Act (Public Law 101–426; 42 U.S.C. 2210
7 note) is amended by inserting “, including individuals in
8 New Mexico, Idaho, Colorado, Arizona, Utah, Texas, Wyo-
9 ming, Oregon, Washington, South Dakota, North Dakota,
10 Nevada, Guam, and the Northern Mariana Islands,” after
11 “tests exposed individuals”.

12 **SEC. 3. EXTENSION OF FUND.**

13 Section 3(d) of the Radiation Exposure Compensa-
14 tion Act (Public Law 101–426; 42 U.S.C. 2210 note) is
15 amended—

16 (1) by striking “22 years” and inserting “45
17 years”; and

18 (2) by striking “22-year” and inserting “45-
19 year”.

20 **SEC. 4. CLAIMS RELATING TO ATMOSPHERIC TESTING.**

21 (a) LEUKEMIA CLAIMS RELATING TO TRINITY TEST
22 IN NEW MEXICO AND TESTS IN THE PACIFIC.—Section
23 4(a)(1)(A) of the Radiation Exposure Compensation Act
24 (Public Law 101–426; 42 U.S.C. 2210 note) is amend-
25 ed—

26 (1) in clause (i)—

1 (A) in subclause (II)—

2 (i) by striking “in the affected area”

3 and inserting “in an affected area”; and

4 (ii) by striking “or” after the semi-
5 colon;

6 (B) by redesignating subclause (III) as
7 subclause (V); and

8 (C) by inserting after subclause (II) the
9 following:

10 “(III) was physically present in an af-
11 fected area for a period of at least 1 year
12 during the period beginning on June 30,
13 1945, and ending on July 31, 1962;

14 “(IV) was physically present in an af-
15 fected area—

16 “(aa) for a period of at least 1
17 year during the period beginning on
18 June 30, 1946, and ending on August
19 19, 1958; or

20 “(bb) for the period beginning on
21 April 25, 1962, and ending on No-
22 vember 5, 1962; or”; and

23 (2) in clause (ii)(I), by striking “physical pres-
24 ence described in subclause (I) or (II) of clause (i)
25 or onsite participation described in clause (i)(III)”

1 and inserting “physical presence described in sub-
2 clause (I), (II), (III), of (IV) of clause (i) or onsite
3 participation described in clause (i)(V)”.

4 (b) AMOUNTS FOR CLAIMS RELATED TO LEU-
5 KEMIA.—Section 4(a)(1) of the Radiation Exposure Com-
6 pensation Act (Public Law 101–426; 42 U.S.C. 2210
7 note) is amended—

8 (1) in subparagraph (A) by striking “an
9 amount” and inserting “the amount”; and

10 (2) by striking subparagraph (B) and inserting
11 the following:

12 “(B) AMOUNT.—If the conditions de-
13 scribed in subparagraph (C) are met, an indi-
14 vidual who is described in subparagraph (A)(i)
15 shall receive \$150,000.”.

16 (c) SPECIFIED DISEASES CLAIMS RELATING TO
17 TRINITY TEST IN NEW MEXICO AND TESTS IN THE PA-
18 CIFIC.—Section 4(a)(2) of the Radiation Exposure Com-
19 pensation Act (Public Law 101–426; 42 U.S.C. 2210
20 note) is amended—

21 (1) in subparagraph (A), by striking “in the af-
22 fected area” and inserting “in an affected area”;

23 (2) in subparagraph (B)—

24 (A) by striking “in the affected area” and
25 inserting “in an affected area”; and

1 (B) by striking “or” at the end;

2 (3) by redesignating subparagraph (C) as sub-
3 paragraph (E); and

4 (4) by inserting after subparagraph (B) the fol-
5 lowing:

6 “(C) was physically present in an affected
7 area for a period of at least 1 year during the
8 period beginning on June 30, 1945, and ending
9 on July 31, 1962;

10 “(D) was physically present in an affected
11 area—

12 “(i) for a period of at least 2 years
13 during the period beginning on June 30,
14 1946, and ending on August 19, 1958; or

15 “(ii) for the period beginning on April
16 25, 1962, and ending on November 5,
17 1962; or”.

18 (d) CLAIMS RELATED TO RADIATION EXPOSURE
19 DURING CLEANUP OF ENEWETAK ATOLL.—Subpara-
20 graph (E) of section 4(a)(2) of the Radiation Exposure
21 Compensation Act (Public Law 101–426; 42 U.S.C. 2210
22 note) (as redesignated by subsection (c) of this section)
23 is amended by striking “a test involving the atmospheric
24 detonation of a nuclear device,” and inserting the fol-
25 lowing:

1 “(i) a test involving the atmospheric
2 detonation of a nuclear device, or

3 “(ii) the cleanup of Enewetak Atoll
4 during the period beginning on January 1,
5 1977, and ending on December 31,
6 1980,”.

7 (e) AMOUNTS FOR CLAIMS RELATED TO SPECIFIED
8 DISEASES.—Section 4(a)(2) of the Radiation Exposure
9 Compensation Act (Public Law 101–426; 42 U.S.C. 2210
10 note) is amended in the matter following subparagraph
11 (E) (as redesignated by subsection (c) of this section) by
12 striking “\$50,000 (in the case of an individual described
13 in subparagraph (A) or (B)) or \$75,000 (in the case of
14 an individual described in subparagraph (C)),” and insert-
15 ing “\$150,000”.

16 (f) MEDICAL BENEFITS.—Section 4(a) of the Radi-
17 ation Exposure Compensation Act (Public Law 101–426;
18 42 U.S.C. 2210 note) is amended by adding at the end
19 the following:

20 “(5) MEDICAL BENEFITS.—An individual re-
21 ceiving a payment under this section shall be eligible
22 to receive medical benefits in the same manner and
23 to the same extent as an individual eligible to receive
24 medical benefits under section 3629 of the Energy

1 Employees Occupational Illness Compensation Pro-
 2 gram Act of 2000 (42 U.S.C. 7384t).”.

3 (g) DOWNWIND STATES.—Section 4(b)(1) of the Ra-
 4 diation Exposure Compensation Act (Public Law 101–
 5 426; 42 U.S.C. 2210 note) is amended to read as follows:

6 “(1) ‘affected area’ means—

7 “(A) except as provided under subpara-
 8 graphs (B) and (C), Arizona, Colorado, Idaho,
 9 Montana, Nevada, New Mexico, and Utah;

10 “(B) with respect to a claim by an indi-
 11 vidual under subsection (a)(1)(A)(i)(III) or
 12 (a)(2)(C), only New Mexico; and

13 “(C) with respect to a claim by an indi-
 14 vidual under subsection (a)(1)(A)(i)(IV) or
 15 (a)(2)(D), only Guam.”.

16 **SEC. 5. CLAIMS RELATING TO URANIUM MINING.**

17 (a) EMPLOYEES OF MINES AND MILLS.—Section
 18 5(a)(1)(A)(i) of the Radiation Exposure Compensation
 19 Act (Public Law 101–426; 42 U.S.C. 2210 note) is
 20 amended—

21 (1) by inserting “(I)” after “(i)”;

22 (2) by striking “December 31, 1971; and” and
 23 inserting “December 31, 1990; or”; and

24 (3) by adding at the end the following:

1 “(II) was employed as a core driller in
2 a State referred to in subclause (I) during
3 the period described in such subclause;
4 and”.

5 (b) MINERS.—Section 5(a)(1)(A)(ii)(I) of the Radi-
6 ation Exposure Compensation Act (Public Law 101–426;
7 42 U.S.C. 2210 note) is amended by inserting “or renal
8 cancer, renal failure, or any other chronic renal disease,
9 including nephritis and kidney tubal tissue injury” after
10 “nonmalignant respiratory disease”.

11 (c) MILLERS, CORE DRILLERS, ORE TRANSPORTERS,
12 AND REMEDIATION WORKERS.—Section 5(a)(1)(A)(ii)(II)
13 of the Radiation Exposure Compensation Act (Public Law
14 101–426; 42 U.S.C. 2210 note) is amended—

15 (1) by inserting “, core driller,” after “was a
16 miller”;

17 (2) by inserting “, or was involved in remedi-
18 ation efforts at such a uranium mine or uranium
19 mill,” after “ore transporter”;

20 (3) by inserting “(I)” after “clause (i)”; and

21 (4) by striking all that follows “nonmalignant
22 respiratory disease” and inserting “or renal cancer,
23 renal failure, or any other chronic renal disease, in-
24 cluding nephritis and kidney tubal tissue injury; or”.

1 (d) COMBINED WORK HISTORIES.—Section
2 5(a)(1)(A)(ii) of the Radiation Exposure Compensation
3 Act (Public Law 101–426; 42 U.S.C. 2210 note) is further
4 amended—

5 (1) by striking “or” at the end of subclause (I);
6 and

7 (2) by adding at the end the following:

8 “(III)(aa) does not meet the condi-
9 tions of subclause (I) or (II);

10 “(bb) worked, during the period de-
11 scribed in clause (i)(I), in two or more of
12 the following positions: miner, miller, core
13 driller, and ore transporter;

14 “(cc) meets the requirements of para-
15 graph (4) or (5), or both; and

16 “(dd) submits written medical docu-
17 mentation that the individual developed
18 lung cancer or a nonmalignant respiratory
19 disease or renal cancer, renal failure, or
20 any other chronic renal disease, including
21 nephritis and kidney tubal tissue injury,
22 after exposure to radiation through work
23 in one or more of the positions referred to
24 in item (bb);”.

1 (e) DATES OF OPERATION OF URANIUM MINE.—Sec-
2 tion 5(a)(2)(A) of the Radiation Exposure Compensation
3 Act (Public Law 101-426; 42 U.S.C. 2210 note) is
4 amended by striking “December 31, 1971” and inserting
5 “December 31, 1990”.

6 (f) SPECIAL RULES RELATING TO COMBINED WORK
7 HISTORIES.—Section 5(a) of the Radiation Exposure
8 Compensation Act (Public Law 101-426; 42 U.S.C. 2210
9 note) is amended by adding at the end the following:

10 “(4) SPECIAL RULE RELATING TO COMBINED
11 WORK HISTORIES FOR INDIVIDUALS WITH AT LEAST
12 ONE YEAR OF EXPERIENCE.—An individual meets
13 the requirements of this paragraph if the individual
14 worked in one or more of the positions referred to
15 in paragraph (1)(A)(ii)(III)(bb) for a period of at
16 least one year during the period described in para-
17 graph (1)(A)(i)(I).

18 “(5) SPECIAL RULE RELATING TO COMBINED
19 WORK HISTORIES FOR MINERS.—An individual
20 meets the requirements of this paragraph if the indi-
21 vidual, during the period described in paragraph
22 (1)(A)(i)(I), worked as a miner and was exposed to
23 such number of working level months of radiation
24 that the Attorney General determines, when com-
25 bined with the exposure of such individual to radi-

1 ation through work as a miller, core driller, or ore
2 transporter during the period described in paragraph
3 (1)(A)(i)(I), results in such individual being exposed
4 to a total level of radiation that is greater or equal
5 to the level of exposure of an individual described in
6 paragraph (4).”.

7 (g) DEFINITION OF CORE DRILLER.—Section 5(b) of
8 the Radiation Exposure Compensation Act (Public Law
9 101–426; 42 U.S.C. 2210 note) is amended—

10 (1) by striking “and” at the end of paragraph
11 (7);

12 (2) by striking the period at the end of para-
13 graph (8) and inserting “; and”; and

14 (3) by adding at the end the following:

15 “(9) the term ‘core driller’ means any indi-
16 vidual employed to engage in the act or process of
17 obtaining cylindrical rock samples of uranium or va-
18 nadium by means of a borehole drilling machine for
19 the purpose of mining uranium or vanadium.”.

20 **SEC. 6. EXPANSION OF USE OF AFFIDAVITS IN DETERMINA-**
21 **TION OF CLAIMS; REGULATIONS.**

22 (a) AFFIDAVITS.—Section 6(b) of the Radiation Ex-
23 posure Compensation Act (Public Law 101–426; 42
24 U.S.C. 2210 note) is amended by adding at the end the
25 following:

1 “(3) AFFIDAVITS.—

2 “(A) EMPLOYMENT HISTORY.—For pur-
3 poses of this Act, the Attorney General shall ac-
4 cept a written affidavit or declaration as evi-
5 dence to substantiate the employment history of
6 an individual as a miner, miller, core driller, or
7 ore transporter if the affidavit—

8 “(i) is provided in addition to other
9 material that may be used to substantiate
10 the employment history of the individual;

11 “(ii) attests to the employment history
12 of the individual;

13 “(iii) is made subject to penalty for
14 perjury; and

15 “(iv) is made by a person other than
16 the individual filing the claim.

17 “(B) PHYSICAL PRESENCE IN AFFECTED
18 AREA.—For purposes of this Act, the Attorney
19 General shall accept a written affidavit or dec-
20 laration as evidence to substantiate an individ-
21 ual’s physical presence in an affected area dur-
22 ing a period described in section 4(a)(1)(A)(i)
23 or section 4(a)(2) if the affidavit—

24 “(i) is provided in addition to other
25 material that may be used to substantiate

1 the individual's presence in an affected
2 area during that time period;

3 “(ii) attests to the individual's pres-
4 ence in an affected area during that pe-
5 riod;

6 “(iii) is made subject to penalty for
7 perjury; and

8 “(iv) is made by a person other than
9 the individual filing the claim.

10 “(C) PARTICIPATION AT TESTING SITE.—

11 For purposes of this Act, the Attorney General
12 shall accept a written affidavit or declaration as
13 evidence to substantiate an individual's partici-
14 pation onsite in a test involving the atmospheric
15 detonation of a nuclear device if the affidavit—

16 “(i) is provided in addition to other
17 material that may be used to substantiate
18 the individual's participation onsite in a
19 test involving the atmospheric detonation
20 of a nuclear device;

21 “(ii) attests to the individual's partici-
22 pation onsite in a test involving the atmos-
23 pheric detonation of a nuclear device;

24 “(iii) is made subject to penalty for
25 perjury; and

1 “(iv) is made by a person other than
2 the individual filing the claim.

3 “(D) PARTICIPATION IN CLEANUP.—For
4 purposes of this Act, the Attorney General shall
5 accept a written affidavit or declaration as evi-
6 dence to substantiate an individual’s participa-
7 tion onsite in the cleanup of Enewetak Atoll
8 during the period beginning on January 1,
9 1977, and ending on December 31, 1980, if the
10 affidavit—

11 “(i) is provided in addition to other
12 material that may be used to substantiate
13 the individual’s participation onsite in the
14 cleanup of Enewetak Atoll during such pe-
15 riod;

16 “(ii) attests to the individual’s partici-
17 pation onsite in the cleanup of Enewetak
18 Atoll during such period;

19 “(iii) is made subject to penalty for
20 perjury; and

21 “(iv) is made by a person other than
22 the individual filing the claim.”.

23 (b) GUIDELINES FOR ONSITE PARTICIPATION IN
24 CLEANUP OF ENEWETAK ATOLL.—Subparagraph (C) of
25 section 6(b)(2) of the Radiation Exposure Compensation

1 Act (Public Law 101–426; 42 U.S.C. 2210 note) is
2 amended by striking “under section 4(a)(2)(C)” and in-
3 serting “, or in the cleanup of Enewetak Atoll, under sec-
4 tion 4(a)(2)(E)”.

5 (c) TECHNICAL AND CONFORMING AMENDMENTS.—
6 Section 6 of the Radiation Exposure Compensation Act
7 (Public Law 101–426; 42 U.S.C. 2210 note) is amend-
8 ed—

9 (1) in subsection (c)(2)—

10 (A) in subparagraph (A)—

11 (i) in the first sentence, by striking
12 “subsection (a)(1), (a)(2)(A), or (a)(2)(B)
13 of section 4” and inserting “subsection
14 (a)(1), (a)(2)(A), (a)(2)(B), (a)(2)(C), or
15 (a)(2)(D) of section 4”; and

16 (ii) in clause (i), by striking “sub-
17 section (a)(1), (a)(2)(A), or (a)(2)(B) of
18 section 4” and inserting “subsection
19 (a)(1), (a)(2)(A), (a)(2)(B), (a)(2)(C), or
20 (a)(2)(D) of section 4”;

21 (B) in subparagraph (B), by striking “sec-
22 tion 4(a)(2)(C)” and inserting “section
23 4(a)(2)(E)”;

1 (C) by adding “or in the cleanup of
2 Enewetak Atoll” after “detonation of a nuclear
3 device”; and

4 (2) in subsection (e)—

5 (A) by striking “subsection (a)(1),
6 (a)(2)(A), or (a)(2)(B) of section 4” and insert-
7 ing “subsection (a)(1), (a)(2)(A), (a)(2)(B),
8 (a)(2)(C), or (a)(2)(D) of section 4”; and

9 (B) by inserting “or in the cleanup of
10 Enewetak Atoll” after “detonation of a nuclear
11 device”.

12 (d) REGULATIONS.—

13 (1) IN GENERAL.—Section 6(k) of the Radi-
14 ation Exposure Compensation Act (Public Law 101–
15 426; 42 U.S.C. 2210 note) is amended by adding at
16 the end the following: “Not later than 180 days
17 after the date of enactment of the Radiation Expo-
18 sure Compensation Act Amendments of 2019, the
19 Attorney General shall issue revised regulations to
20 carry out this Act.”.

21 (2) CONSIDERATIONS IN REVISIONS.—In
22 issuing revised regulations under section 6(k) of the
23 Radiation Exposure Compensation Act (Public Law
24 101–426; 42 U.S.C. 2210 note), as amended under
25 paragraph (1), the Attorney General shall ensure

1 that procedures with respect to the submission and
2 processing of claims under such Act take into ac-
3 count and make allowances for the law, tradition,
4 and customs of Indian tribes, including by accepting
5 as a record of proof of physical presence for a claim-
6 ant a grazing permit, a homesite lease, a record of
7 being a holder of a post office box, a letter from an
8 elected leader of an Indian tribe, or a record of any
9 recognized tribal association or organization.

10 **SEC. 7. LIMITATION ON CLAIMS.**

11 (a) **EXTENSION OF FILING TIME.**—Section 8(a) of
12 the Radiation Exposure Compensation Act (Public Law
13 101–426; 42 U.S.C. 2210 note) is amended by striking
14 “22 years” and inserting “45 years”.

15 (b) **RESUBMITTAL OF CLAIMS.**—Section 8(b) of the
16 Radiation Exposure Compensation Act (Public Law 101–
17 426; 42 U.S.C. 2210 note) is amended to read as follows:

18 “(b) **RESUBMITTAL OF CLAIMS.**—

19 “(1) **DENIED CLAIMS.**—After the date of enact-
20 ment of the Radiation Exposure Compensation Act
21 Amendments of 2019, any claimant who has been
22 denied compensation under this Act may resubmit a
23 claim for consideration by the Attorney General in
24 accordance with this Act not more than three times.
25 Any resubmittal made before the date of the enact-

1 ment of the Radiation Exposure Compensation Act
2 Amendments of 2019 shall not be applied to the lim-
3 itation under the preceding sentence.

4 “(2) PREVIOUSLY SUCCESSFUL CLAIMS.—

5 “(A) IN GENERAL.—After the date of en-
6 actment of the Radiation Exposure Compensa-
7 tion Act Amendments of 2019, any claimant
8 who received compensation under this Act may
9 submit a request to the Attorney General for
10 additional compensation and benefits. Such re-
11 quest shall contain—

12 “(i) the claimant’s name, social secu-
13 rity number, and date of birth;

14 “(ii) the amount of award received
15 under this Act before the date of enact-
16 ment of the Radiation Exposure Com-
17 pensation Act Amendments of 2019;

18 “(iii) any additional benefits and com-
19 pensation sought through such request;
20 and

21 “(iv) any additional information re-
22 quired by the Attorney General.

23 “(B) ADDITIONAL COMPENSATION.—If the
24 claimant received compensation under this Act
25 before the date of enactment of the Radiation

1 Exposure Compensation Act Amendments of
2 2019 and submits a request under subpara-
3 graph (A), the Attorney General shall—

4 “(i) pay the claimant the amount that
5 is equal to any excess of—

6 “(I) the amount the claimant is
7 eligible to receive under this Act (as
8 amended by the Radiation Exposure
9 Compensation Act Amendments of
10 2019); minus

11 “(II) the aggregate amount paid
12 to the claimant under this Act before
13 the date of enactment of the Radi-
14 ation Exposure Compensation Act
15 Amendments of 2019; and

16 “(ii) in any case in which the claimant
17 was compensated under section 4, provide
18 the claimant with medical benefits under
19 section 4(a)(5).”.

20 **SEC. 8. ATTORNEYS FEES.**

21 Section 9(b)(1) of the Radiation Exposure Com-
22 pensation Act (Public Law 101–426; 42 U.S.C. 2210
23 note) is amended by striking “2 percent” and inserting
24 “10 percent”.

1 **SEC. 9. GRANT PROGRAM ON EPIDEMIOLOGICAL IMPACTS**
2 **OF URANIUM MINING AND MILLING.**

3 (a) DEFINITIONS.—In this section—

4 (1) the term “institution of higher education”
5 has the meaning given under section 101 of the
6 Higher Education Act of 1965 (20 U.S.C. 1001);

7 (2) the term “program” means the grant pro-
8 gram established under subsection (b); and

9 (3) the term “Secretary” means the Secretary
10 of Health and Human Services.

11 (b) ESTABLISHMENT.—The Secretary shall establish
12 a grant program relating to the epidemiological impacts
13 of uranium mining and milling. Grants awarded under the
14 program shall be used for the study of the epidemiological
15 impacts of uranium mining and milling among non-occu-
16 pationally exposed individuals, including family members
17 of uranium miners and millers.

18 (c) ADMINISTRATION.—The Secretary shall admin-
19 ister the program through the National Institute of Envi-
20 ronmental Health Sciences.

21 (d) ELIGIBILITY AND APPLICATION.—Any institution
22 of higher education or nonprofit private entity shall be eli-
23 gible to apply for a grant. To apply for a grant an eligible
24 institution or entity shall submit to the Secretary an appli-
25 cation at such time, in such manner, and containing or

1 accompanied by such information as the Secretary may
2 reasonably require.

3 (e) AUTHORIZATION OF APPROPRIATIONS.—There
4 are authorized to be appropriated to carry out this section
5 \$3,000,000 for each of fiscal years 2020 through 2024.

6 **SEC. 10. ENERGY EMPLOYEES OCCUPATIONAL ILLNESS**
7 **COMPENSATION PROGRAM.**

8 (a) COVERED EMPLOYEES WITH CANCER.—Section
9 3621(9) of the Energy Employees Occupational Illness
10 Compensation Program Act of 2000 (42 U.S.C. 73841(9))
11 is amended by striking subparagraph (A) and inserting
12 the following:

13 “(A) An individual with a specified cancer
14 who is a member of the Special Exposure Co-
15 hort, if and only if—

16 “(i) that individual contracted that
17 specified cancer after beginning employ-
18 ment at a Department of Energy facility
19 (in the case of a Department of Energy
20 employee or Department of Energy con-
21 tractor employee) or at an atomic weapons
22 employer facility (in the case of an atomic
23 weapons employee); or

24 “(ii) that individual—

1 “(I) contracted that specified
2 cancer after beginning employment in
3 a uranium mine or uranium mill de-
4 scribed under section 5(a)(1)(A)(i) of
5 the Radiation Exposure Compensation
6 Act (42 U.S.C. 2210 note) (including
7 any individual who was employed in
8 core drilling or the transport of ura-
9 nium ore or vanadium-uranium ore
10 from such mine or mill) located in
11 Colorado, New Mexico, Arizona, Wyo-
12 ming, South Dakota, Washington,
13 Utah, Idaho, North Dakota, Oregon,
14 Texas, or any State the Attorney Gen-
15 eral makes a determination under sec-
16 tion 5(a)(2) of that Act for inclusion
17 of eligibility under section 5(a)(1) of
18 that Act; and

19 “(II) was employed in a uranium
20 mine or uranium mill described under
21 subclause (I) (including any individual
22 who was employed in core drilling or
23 the transport of uranium ore or vana-
24 dium-uranium ore from such mine or
25 mill) at any time during the period

1 beginning on January 1, 1942, and
2 ending on December 31, 1990.”.

3 (b) MEMBERS OF SPECIAL EXPOSURE COHORT.—
4 Section 3626 of the Energy Employees Occupational Ill-
5 ness Compensation Program Act of 2000 (42 U.S.C.
6 7384q) is amended—

7 (1) in subsection (a), by striking paragraph (1)
8 and inserting the following:

9 “(1) The Advisory Board on Radiation and
10 Worker Health under section 3624 shall advise the
11 President whether there is a class of employees—

12 “(A) at any Department of Energy facility
13 who likely were exposed to radiation at that fa-
14 cility but for whom it is not feasible to estimate
15 with sufficient accuracy the radiation dose they
16 received; or

17 “(B) employed in a uranium mine or ura-
18 nium mill described under section 5(a)(1)(A)(i)
19 of the Radiation Exposure Compensation Act
20 (42 U.S.C. 2210 note) (including any individual
21 who was employed in core drilling or the trans-
22 port of uranium ore or vanadium-uranium ore
23 from such mine or mill) located in Colorado,
24 New Mexico, Arizona, Wyoming, South Dakota,
25 Washington, Utah, Idaho, North Dakota, Or-

1 egon, Texas, and any State the Attorney Gen-
2 eral makes a determination under section
3 5(a)(2) of that Act for inclusion of eligibility
4 under section 5(a)(1) of that Act, at any time
5 during the period beginning on January 1,
6 1942, and ending on December 31, 1990, who
7 likely were exposed to radiation at that mine or
8 mill but for whom it is not feasible to estimate
9 with sufficient accuracy the radiation dose they
10 received.”; and

11 (2) by striking subsection (b) and inserting the
12 following:

13 “(b) DESIGNATION OF ADDITIONAL MEMBERS.—

14 “(1) Subject to the provisions of section
15 3621(14)(C), the members of a class of employees at
16 a Department of Energy facility, or at an atomic
17 weapons employer facility, may be treated as mem-
18 bers of the Special Exposure Cohort for purposes of
19 the compensation program if the President, upon
20 recommendation of the Advisory Board on Radiation
21 and Worker Health, determines that—

22 “(A) it is not feasible to estimate with suf-
23 ficient accuracy the radiation dose that the
24 class received; and

1 “(B) there is a reasonable likelihood that
2 such radiation dose may have endangered the
3 health of members of the class.

4 “(2) Subject to the provisions of section
5 3621(14)(C), the members of a class of employees
6 employed in a uranium mine or uranium mill de-
7 scribed under section 5(a)(1)(A)(i) of the Radiation
8 Exposure Compensation Act (42 U.S.C. 2210 note)
9 (including any individual who was employed in core
10 drilling or the transport of uranium ore or vana-
11 dium-uranium ore from such mine or mill) located in
12 Colorado, New Mexico, Arizona, Wyoming, South
13 Dakota, Washington, Utah, Idaho, North Dakota,
14 Oregon, Texas, and any State the Attorney General
15 makes a determination under section 5(a)(2) of that
16 Act for inclusion of eligibility under section 5(a)(1)
17 of that Act, at any time during the period beginning
18 on January 1, 1942, and ending on December 31,
19 1990, may be treated as members of the Special Ex-
20 posure Cohort for purposes of the compensation pro-
21 gram if the President, upon recommendation of the
22 Advisory Board on Radiation and Worker Health,
23 determines that—

1 “(A) it is not feasible to estimate with suf-
2 ficient accuracy the radiation dose that the
3 class received; and

4 “(B) there is a reasonable likelihood that
5 such radiation dose may have endangered the
6 health of members of the class.”.

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