

115TH CONGRESS  
1ST SESSION

# H. R. 2049

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

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 6, 2017

Mr. BEN RAY LUJÁN of New Mexico (for himself, Ms. MICHELLE LUJAN GRISHAM of New Mexico, Mr. PEARCE, Ms. BORDALLO, Mr. O'HALLERAN, Ms. TITUS, Ms. DEGETTE, Mr. PERLMUTTER, Mr. CÁRDENAS, Mr. SOTO, Mr. SMITH of Washington, Mr. GRIJALVA, Mr. MCGOVERN, Mr. HECK, Ms. JAYAPAL, Mr. GALLEG0, Ms. SINEMA, Mr. DEFazio, Mr. HASTINGS, Mr. HIGGINS of New York, Ms. JACKSON LEE, Ms. DELBENE, Mr. KILMER, Mr. BLUMENAUER, Mr. DOGGETT, and Mr. SCHRADER) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on Education and the Workforce, 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

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## 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Radiation Exposure  
5 Compensation Act Amendments of 2017”.

1 **SEC. 2. REFERENCES.**

2 Except as otherwise specifically provided, whenever in  
3 this Act an amendment or repeal is expressed in terms  
4 of an amendment to or repeal of a section or other provi-  
5 sion of law, the reference shall be considered to be made  
6 to a section or other provision of the Radiation Exposure  
7 Compensation Act (Public Law 101–426; 42 U.S.C. 2210  
8 note).

9 **SEC. 3. EXTENSION OF FUND.**

10 Section 3(d) is amended—

11 (1) by striking the first sentence and inserting  
12 “The Fund shall terminate 19 years after the date  
13 of the enactment of the Radiation Exposure Com-  
14 pensation Act Amendments of 2017.”; and

15 (2) by striking “22-year” and inserting “19-  
16 year”.

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

18 (a) LEUKEMIA CLAIMS RELATING TO TRINITY TEST  
19 IN NEW MEXICO AND TESTS IN THE PACIFIC.—Section  
20 4(a)(1)(A) is amended—

21 (1) in clause (i)—

22 (A) in subclause (II)—

23 (i) by striking “in the affected area”  
24 and inserting “in an affected area”; and

25 (ii) by striking “or” after the semi-  
26 colon;

1 (B) by redesignating subclause (III) as  
2 subclause (V); and

3 (C) by inserting after subclause (II) the  
4 following:

5 “(III) was physically present in an af-  
6 fected area for the period beginning on  
7 June 30, 1945, and ending on July 31,  
8 1945; or

9 “(IV) was physically present in an af-  
10 fected area—

11 “(aa) for a period of at least 1  
12 year during the period beginning on  
13 June 30, 1946, and ending on August  
14 19, 1958; or

15 “(bb) for the period beginning on  
16 April 25, 1962, and ending on No-  
17 vember 5, 1962; or”; and

18 (2) in clause (ii)(I), by striking “physical pres-  
19 ence described in subclause (I) or (II) of clause (i)  
20 or onsite participation described in clause (i)(III)”  
21 and inserting “physical presence described in sub-  
22 clause (I), (II), (III), or (IV) of clause (i) or onsite  
23 participation described in clause (i)(V)”.

24 (b) AMOUNTS FOR CLAIMS RELATED TO LEU-  
25 KEMIA.—Section 4(a)(1) is amended—

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

3           (2) by striking subparagraph (B) and inserting  
4           the following:

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

9           (c) SPECIFIED DISEASES CLAIMS RELATING TO  
10          TRINITY TEST IN NEW MEXICO AND TESTS IN THE PA-  
11          CIFIC.—Section 4(a)(2) is amended—

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

14           (2) in subparagraph (B)—

15                   (A) by striking “in the affected area” and  
16                   inserting “in an affected area”; and

17                   (B) by striking “or” at the end;

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

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

22                   “(C) was physically present in an affected  
23                   area for the period beginning on June 30,  
24                   1945, and ending on July 31, 1945;

1 “(D) was physically present in an affected  
2 area—

3 “(i) for a period of at least 2 years  
4 during the period beginning on June 30,  
5 1946, and ending on August 19, 1958; or

6 “(ii) for the period beginning on April  
7 25, 1962, and ending on November 5,  
8 1962; or”.

9 (d) CLAIMS RELATED TO RADIATION EXPOSURE  
10 DURING CLEANUP OF ENEWETAK ATOLL.—Subpara-  
11 graph (E) of section 4(a)(2) (as redesignated by sub-  
12 section (c) of this section) is amended by striking “a test  
13 involving the atmospheric detonation of a nuclear device,”  
14 and inserting the following:

15 “(i) a test involving the atmospheric  
16 detonation of a nuclear device, or

17 “(ii) the cleanup of Enewetak Atoll  
18 during the period beginning on January 1,  
19 1977, and ending on December 31,  
20 1980,”.

21 (e) AMOUNTS FOR CLAIMS RELATED TO SPECIFIED  
22 DISEASES.—Section 4(a)(2) is amended in the matter fol-  
23 lowing subparagraph (E) (as redesignated by subsection  
24 (c) of this section) by striking “\$50,000 (in the case of  
25 an individual described in subparagraph (A) or (B)) or

1 \$75,000 (in the case of an individual described in subpara-  
 2 graph (C)),” and inserting “\$150,000”.

3 (f) MEDICAL BENEFITS.—Section 4(a) is amended  
 4 by adding at the end the following:

5 “(5) MEDICAL BENEFITS.—An individual re-  
 6 ceiving a payment under this section shall be eligible  
 7 to receive medical benefits in the same manner and  
 8 to the same extent as an individual eligible to receive  
 9 medical benefits under section 3629 of the Energy  
 10 Employees Occupational Illness Compensation Pro-  
 11 gram Act of 2000 (42 U.S.C. 7384t).”.

12 (g) DOWNWIND STATES.—Section 4(b)(1) is amend-  
 13 ed to read as follows:

14 “(1) ‘affected area’ means—

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

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

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

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

2 (a) EMPLOYEES OF MINES AND MILLS.—Section  
3 5(a)(1)(A)(i) is amended—

4 (1) by inserting “(I)” after “(i)”;

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

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

8 “(II) was employed as a core driller in  
9 a State referred to in subclause (I) during  
10 the period described in such subclause;  
11 and”.

12 (b) MINERS.—Section 5(a)(1)(A)(ii)(I) is amended  
13 by inserting “or renal cancer or any other chronic renal  
14 disease, including nephritis and kidney tubal tissue in-  
15 jury” after “nonmalignant respiratory disease”.

16 (c) MILLERS, CORE DRILLERS, AND ORE TRANS-  
17 PORTERS.—Section 5(a)(1)(A)(ii)(II) is amended—

18 (1) by inserting “, core driller,” after “was a  
19 miller”;

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

21 (3) by striking all that follows “nonmalignant  
22 respiratory disease” and inserting “or renal cancer  
23 or any other chronic renal disease, including nephri-  
24 tis and kidney tubal tissue injury; or”.

25 (d) COMBINED WORK HISTORIES.—Section  
26 5(a)(1)(A)(ii) is further amended—

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

2 and

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

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

6 “(bb) worked, during the period de-  
7 scribed in clause (i)(I), in two or more of  
8 the following positions: miner, miller, core  
9 driller, and ore transporter;

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

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

20 (e) DATES OF OPERATION OF URANIUM MINE.—Sec-  
21 tion 5(a)(2)(A) is amended by striking “December 31,  
22 1971” and inserting “December 31, 1990”.

23 (f) SPECIAL RULES RELATING TO COMBINED WORK  
24 HISTORIES.—Section 5(a) is amended by adding at the  
25 end the following:



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

9           “(5) SPECIAL RULE RELATING TO COMBINED  
10          WORK HISTORIES FOR MINERS.—An individual  
11          meets the requirements of this paragraph if the indi-  
12          vidual, during the period described in paragraph  
13          (1)(A)(i)(I), worked as a miner and was exposed to  
14          such number of working level months of radiation  
15          that the Attorney General determines, when com-  
16          bined with the exposure of such individual to radi-  
17          ation through work as a miller, core driller, or ore  
18          transporter during the period described in paragraph  
19          (1)(A)(i)(I), results in such individual being exposed  
20          to a total level of radiation that is greater or equal  
21          to the level of exposure of an individual described in  
22          paragraph (4).”.

23          (g) DEFINITION OF CORE DRILLER.—Section 5(b) is  
24          amended—

1 (1) by striking “and” at the end of paragraph  
2 (7);

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

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

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

11 **SEC. 6. EXPANSION OF USE OF AFFIDAVITS IN DETERMINA-**  
12 **TION OF CLAIMS; REGULATIONS.**

13 (a) AFFIDAVITS.—Section 6(b) is amended by adding  
14 at the end the following:

15 “(3) AFFIDAVITS.—

16 “(A) EMPLOYMENT HISTORY.—For pur-  
17 poses of this Act, the Attorney General shall ac-  
18 cept a written affidavit or declaration as evi-  
19 dence to substantiate the employment history of  
20 an individual as a miner, miller, core driller, or  
21 ore transporter if the affidavit—

22 “(i) is provided in addition to other  
23 material that may be used to substantiate  
24 the employment history of the individual;

1 “(ii) attests to the employment history  
2 of the individual;

3 “(iii) is made subject to penalty for  
4 perjury; and

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

7 “(B) PHYSICAL PRESENCE IN AFFECTED  
8 AREA.—For purposes of this Act, the Attorney  
9 General shall accept a written affidavit or dec-  
10 laration as evidence to substantiate an individ-  
11 ual’s physical presence in an affected area dur-  
12 ing a period described in section 4(a)(1)(A)(i)  
13 or section 4(a)(2) if the affidavit—

14 “(i) is provided in addition to other  
15 material that may be used to substantiate  
16 the individual’s presence in an affected  
17 area during that time period;

18 “(ii) attests to the individual’s pres-  
19 ence in an affected area during that pe-  
20 riod;

21 “(iii) is made subject to penalty for  
22 perjury; and

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

“(C) PARTICIPATION AT TESTING SITE.—

For purposes of this Act, the Attorney General shall accept a written affidavit or declaration as evidence to substantiate an individual’s participation onsite in a test involving the atmospheric detonation of a nuclear device if the affidavit—

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

“(ii) attests to the individual’s participation onsite in a test involving the atmospheric detonation of a nuclear device;

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

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

“(D) PARTICIPATION IN CLEANUP.—For purposes of this Act, the Attorney General shall accept a written affidavit or declaration as evidence to substantiate an individual’s participation onsite in the cleanup of Enewetak Atoll during the period beginning on January 1,

1 1977, and ending on December 31, 1980, if the  
2 affidavit—

3 “(i) is provided in addition to other  
4 material that may be used to substantiate  
5 the individual’s participation onsite in the  
6 cleanup of Enewetak Atoll during such pe-  
7 riod;

8 “(ii) attests to the individual’s partici-  
9 pation onsite in the cleanup of Enewetak  
10 Atoll during such period;

11 “(iii) is made subject to penalty for  
12 perjury; and

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

15 (b) GUIDELINES FOR ONSITE PARTICIPATION IN  
16 CLEANUP OF ENEWETAK ATOLL.—Subparagraph (C) of  
17 section 6(b)(2) is amended by striking “under section  
18 4(a)(2)(C)” and inserting “, or in the cleanup of  
19 Enewetak Atoll, under section 4(a)(2)(E)”.

20 (c) TECHNICAL AND CONFORMING AMENDMENTS.—  
21 Section 6 is amended—

22 (1) in subsection (c)(2)—

23 (A) in subparagraph (A)—

24 (i) in the first sentence, by striking  
25 “subsection (a)(1), (a)(2)(A), or (a)(2)(B)

1 of section 4” and inserting “subsection  
 2 (a)(1), (a)(2)(A), (a)(2)(B), (a)(2)(C), or  
 3 (a)(2)(D) of section 4”; and

4 (ii) in clause (i), by striking “sub-  
 5 section (a)(1), (a)(2)(A), or (a)(2)(B) of  
 6 section 4” and inserting “subsection  
 7 (a)(1), (a)(2)(A), (a)(2)(B), (a)(2)(C), or  
 8 (a)(2)(D) of section 4”; and

9 (B) in subparagraph (B), by striking “sec-  
 10 tion 4(a)(2)(C)” and inserting “section  
 11 4(a)(2)(E)”;

12 (C) by adding “or in the cleanup of  
 13 Enewetak Atoll” after “detonation of a nuclear  
 14 device”; and

15 (2) in subsection (e)—

16 (A) by striking “subsection (a)(1),  
 17 (a)(2)(A), or (a)(2)(B) of section 4” and insert-  
 18 ing “subsection (a)(1), (a)(2)(A), (a)(2)(B),  
 19 (a)(2)(C), or (a)(2)(D) of section 4”; and

20 (B) by inserting “or in the cleanup of  
 21 Enewetak Atoll” after “detonation of a nuclear  
 22 device”.

23 (d) REGULATIONS.—Section 6(k) is amended by add-  
 24 ing at the end the following: “Not later than 180 days  
 25 after the date of enactment of the Radiation Exposure

1 Compensation Act Amendments of 2017, the Attorney  
2 General shall issue revised regulations to carry out this  
3 Act.”.

4 **SEC. 7. LIMITATION ON CLAIMS.**

5 (a) EXTENSION OF FILING TIME.—Section 8(a) is  
6 amended—

7 (1) by striking “22 years” and inserting “19  
8 years”; and

9 (2) by striking “2000” and inserting “2017”.

10 (b) RESUBMITTAL OF CLAIMS.—Section 8(b) is  
11 amended to read as follows:

12 “(b) RESUBMITTAL OF CLAIMS.—

13 “(1) DENIED CLAIMS.—After the date of enact-  
14 ment of the Radiation Exposure Compensation Act  
15 Amendments of 2017, any claimant who has been  
16 denied compensation under this Act may resubmit a  
17 claim for consideration by the Attorney General in  
18 accordance with this Act not more than three times.  
19 Any resubmittal made before the date of the enact-  
20 ment of the Radiation Exposure Compensation Act  
21 Amendments of 2017 shall not be applied to the lim-  
22 itation under the preceding sentence.

23 “(2) PREVIOUSLY SUCCESSFUL CLAIMS.—

24 “(A) IN GENERAL.—After the date of en-  
25 actment of the Radiation Exposure Compensa-

tion Act Amendments of 2017, any claimant who received compensation under this Act may submit a request to the Attorney General for additional compensation and benefits. Such request shall contain—

“(i) the claimant’s name, social security number, and date of birth;

“(ii) the amount of award received under this Act before the date of enactment of the Radiation Exposure Compensation Act Amendments of 2017;

“(iii) any additional benefits and compensation sought through such request; and

“(iv) any additional information required by the Attorney General.

“(B) ADDITIONAL COMPENSATION.—If the claimant received compensation under this Act before the date of enactment of the Radiation Exposure Compensation Act Amendments of 2017 and submits a request under subparagraph (A), the Attorney General shall—

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



1 “(I) the amount the claimant is  
 2 eligible to receive under this Act (as  
 3 amended by the Radiation Exposure  
 4 Compensation Act Amendments of  
 5 2017); minus

6 “(II) the aggregate amount paid  
 7 to the claimant under this Act before  
 8 the date of enactment of the Radi-  
 9 ation Exposure Compensation Act  
 10 Amendments of 2017; and

11 “(ii) in any case in which the claimant  
 12 was compensated under section 4, provide  
 13 the claimant with medical benefits under  
 14 section 4(a)(5).”.

15 **SEC. 8. ATTORNEYS FEES.**

16 Section 9(b)(1) is amended by striking “2 percent”  
 17 and inserting “10 percent”.

18 **SEC. 9. GRANT PROGRAM ON EPIDEMIOLOGICAL IMPACTS**

19 **OF URANIUM MINING AND MILLING.**

20 (a) DEFINITIONS.—In this section—

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

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

1           (3) the term “Secretary” means the Secretary  
2           of Health and Human Services.

3           (b) ESTABLISHMENT.—The Secretary shall establish  
4           a grant program relating to the epidemiological impacts  
5           of uranium mining and milling. Grants awarded under the  
6           program shall be used for the study of the epidemiological  
7           impacts of uranium mining and milling among non-occu-  
8           pationally exposed individuals, including family members  
9           of uranium miners and millers.

10          (c) ADMINISTRATION.—The Secretary shall admin-  
11          ister the program through the National Institute of Envi-  
12          ronmental Health Sciences.

13          (d) ELIGIBILITY AND APPLICATION.—Any institution  
14          of higher education or nonprofit private entity shall be eli-  
15          gible to apply for a grant. To apply for a grant an eligible  
16          institution or entity shall submit to the Secretary an appli-  
17          cation at such time, in such manner, and containing or  
18          accompanied by such information as the Secretary may  
19          reasonably require.

20          (e) AUTHORIZATION OF APPROPRIATIONS.—There  
21          are authorized to be appropriated to carry out this section  
22          \$3,000,000 for each of fiscal years 2017 through 2021.

1 **SEC. 10. ENERGY EMPLOYEES OCCUPATIONAL ILLNESS**  
2 **COMPENSATION PROGRAM.**

3 (a) COVERED EMPLOYEES WITH CANCER.—Section  
4 3621(9) of the Energy Employees Occupational Illness  
5 Compensation Program Act of 2000 (42 U.S.C. 7384l(9))  
6 is amended by striking subparagraph (A) and inserting  
7 the following:

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

11 “(i) that individual contracted that  
12 specified cancer after beginning employ-  
13 ment at a Department of Energy facility  
14 (in the case of a Department of Energy  
15 employee or Department of Energy con-  
16 tractor employee) or at an atomic weapons  
17 employer facility (in the case of an atomic  
18 weapons employee); or

19 “(ii) that individual—

20 “(I) contracted that specified  
21 cancer after beginning employment in  
22 a uranium mine or uranium mill de-  
23 scribed under section 5(a)(1)(A)(i) of  
24 the Radiation Exposure Compensation  
25 Act (42 U.S.C. 2210 note) (including  
26 any individual who was employed in

1 core drilling or the transport of ura-  
2 nium ore or vanadium-uranium ore  
3 from such mine or mill) located in  
4 Colorado, New Mexico, Arizona, Wyo-  
5 ming, South Dakota, Washington,  
6 Utah, Idaho, North Dakota, Oregon,  
7 Texas, or any State the Attorney Gen-  
8 eral makes a determination under sec-  
9 tion 5(a)(2) of that Act for inclusion  
10 of eligibility under section 5(a)(1) of  
11 that Act; and

12 “(II) was employed in a uranium  
13 mine or uranium mill described under  
14 subclause (I) (including any individual  
15 who was employed in core drilling or  
16 the transport of uranium ore or vana-  
17 dium-uranium ore from such mine or  
18 mill) at any time during the period  
19 beginning on January 1, 1942, and  
20 ending on December 31, 1990.”.

21 (b) MEMBERS OF SPECIAL EXPOSURE COHORT.—  
22 Section 3626 of the Energy Employees Occupational Ill-  
23 ness Compensation Program Act of 2000 (42 U.S.C.  
24 7384q) is amended—

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

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

6 “(A) at any Department of Energy facility  
7 who likely were exposed to radiation at that fa-  
8 cility but for whom it is not feasible to estimate  
9 with sufficient accuracy the radiation dose they  
10 received; or

11 “(B) employed in a uranium mine or ura-  
12 nium mill described under section 5(a)(1)(A)(i)  
13 of the Radiation Exposure Compensation Act  
14 (42 U.S.C. 2210 note) (including any individual  
15 who was employed in core drilling or the trans-  
16 port of uranium ore or vanadium-uranium ore  
17 from such mine or mill) located in Colorado,  
18 New Mexico, Arizona, Wyoming, South Dakota,  
19 Washington, Utah, Idaho, North Dakota, Or-  
20 egon, Texas, and any State the Attorney Gen-  
21 eral makes a determination under section  
22 5(a)(2) of that Act for inclusion of eligibility  
23 under section 5(a)(1) of that Act, at any time  
24 during the period beginning on January 1,  
25 1942, and ending on December 31, 1990, who

1           likely were exposed to radiation at that mine or  
2           mill but for whom it is not feasible to estimate  
3           with sufficient accuracy the radiation dose they  
4           received.”; and

5           (2) by striking subsection (b) and inserting the  
6           following:

7           “(b) DESIGNATION OF ADDITIONAL MEMBERS.—

8           “(1) Subject to the provisions of section  
9           3621(14)(C), the members of a class of employees at  
10          a Department of Energy facility, or at an atomic  
11          weapons employer facility, may be treated as mem-  
12          bers of the Special Exposure Cohort for purposes of  
13          the compensation program if the President, upon  
14          recommendation of the Advisory Board on Radiation  
15          and Worker Health, determines that—

16               “(A) it is not feasible to estimate with suf-  
17               ficient accuracy the radiation dose that the  
18               class received; and

19               “(B) there is a reasonable likelihood that  
20               such radiation dose may have endangered the  
21               health of members of the class.

22           “(2) Subject to the provisions of section  
23           3621(14)(C), the members of a class of employees  
24           employed in a uranium mine or uranium mill de-  
25           scribed under section 5(a)(1)(A)(i) of the Radiation

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

17 “(A) it is not feasible to estimate with suf-  
18 ficient accuracy the radiation dose that the  
19 class received; and

20 “(B) there is a reasonable likelihood that  
21 such radiation dose may have endangered the  
22 health of members of the class.”.

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