

**AMENDMENT TO RULES COMMITTEE PRINT 117-
13
OFFERED BY MS. LEGER FERNÁNDEZ OF NEW
MEXICO**

Add at the end of title LX of division E the following:

1 **SEC. ____ . DOWNWINDERS COMPENSATION.**

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

9 (b) CLAIMS RELATING TO ATMOSPHERIC TESTING.—

10 (1) LEUKEMIA CLAIMS RELATING TO TRINITY
11 TEST IN NEW MEXICO AND TESTS IN THE PA-
12 CIFIC.—Section 4(a)(1)(A) is amended—

13 (A) in clause (i)—

14 (i) in subclause (I), by striking “Octo-
15 ber 31, 1958” and inserting “November 6,
16 1962”;

17 (ii) in subclause (II)—

1 (I) by striking “in the affected
2 area” and inserting “in an affected
3 area”; and

4 (II) by striking “or” after the
5 semicolon;

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

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

10 “(III) was physically present in
11 an affected area for a period of at
12 least 1 year during the period begin-
13 ning on September 24, 1944, and
14 ending on November 6, 1962; or

15 “(IV) was physically present in
16 an affected area—

17 “(aa) for a period of at least
18 1 year during the period begin-
19 ning on July 1, 1946, and ending
20 on November 6, 1962; or

21 “(bb) for the period begin-
22 ning on April 25, 1962, and end-
23 ing on November 6, 1962; or”;
24 and

1 (B) in clause (ii)(I), by striking “physical
2 presence described in subclause (I) or (II) of
3 clause (i) or onsite participation described in
4 clause (i)(III)” and inserting “physical presence
5 described in subclause (I), (II), (III), or (IV) of
6 clause (i) or onsite participation described in
7 clause (i)(V)”.

8 (2) AMOUNTS FOR CLAIMS RELATED TO LEU-
9 KEMIA.—Section 4(a)(1) is amended—

10 (A) in subparagraph (A), by striking “an
11 amount” and inserting “the amount”; and

12 (B) by striking subparagraph (B) and in-
13 serting the following:

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

18 (3) CONDITIONS FOR CLAIMS RELATED TO LEU-
19 KEMIA.—Section 4(a)(1)(C) is amended—

20 (A) by striking clause (i); and

21 (B) by redesignating clauses (ii) and (iii)
22 as clauses (i) and (ii), respectively.

23 (4) SPECIFIED DISEASES CLAIMS RELATING TO
24 TRINITY TEST IN NEW MEXICO AND TESTS IN THE
25 PACIFIC.—Section 4(a)(2) is amended—

1 (A) in subparagraph (A)—

2 (i) by striking “in the affected area”
3 and inserting “in an affected area”;

4 (ii) by striking “2 years” and insert-
5 ing “1 year”; and

6 (iii) by striking “October 31, 1958”
7 and inserting “November 6, 1962”;

8 (B) in subparagraph (B)—

9 (i) by striking “in the affected area”
10 and inserting “in an affected area”; and

11 (ii) by striking “or” at the end;

12 (C) by redesignating subparagraph (C) as
13 subparagraph (E); and

14 (D) by inserting after subparagraph (B)
15 the following:

16 “(C) was physically present in an affected
17 area for a period of at least 1 year during the
18 period beginning on September 24, 1944, and
19 ending on November 6, 1962; or

20 “(D) was physically present in an affected
21 area—

22 “(i) for a period of at least 1 year
23 during the period beginning on July 1,
24 1946, and ending on November 6, 1962; or

1 “(ii) for the period beginning on April
2 25, 1962, and ending on November 6,
3 1962; or”.

4 (5) AMOUNTS FOR CLAIMS RELATED TO SPECI-
5 FIED DISEASES.—Section 4(a)(2) is amended in the
6 matter following subparagraph (E) (as redesignated
7 by this section) by striking “\$50,000 (in the case of
8 an individual described in subparagraph (A) or (B))
9 or \$75,000 (in the case of an individual described in
10 subparagraph (C)),” and inserting “\$150,000”.

11 (6) MEDICAL BENEFITS.—Section 4(a) is
12 amended by adding at the end the following:

13 “(5) MEDICAL BENEFITS.—An individual re-
14 ceiving a payment under this section shall be eligible
15 to receive medical benefits in the same manner and
16 to the same extent as an individual eligible to receive
17 medical benefits under section 3629 of the Energy
18 Employees Occupational Illness Compensation Pro-
19 gram Act of 2000 (42 U.S.C. 7384t).”.

20 (7) DOWNWIND STATES.—Section 4(b)(1) is
21 amended to read as follows:

22 “(1) ‘affected area’ means—

23 “(A) except as provided under subpara-
24 graphs (B) and (C), Arizona, Colorado, Idaho,

1 Montana, Nevada, New Mexico, Utah, and
2 Guam;

3 “(B) with respect to a claim by an indi-
4 vidual under subsection (a)(1)(A)(i)(III) or sub-
5 section (a)(2)(C), only New Mexico; and

6 “(C) with respect to a claim by an indi-
7 vidual under subsection (a)(1)(A)(i)(IV) or sub-
8 section (a)(2)(D), only Guam.”.

9 (8) CHRONIC LYMPHOCYTIC LEUKEMIA AS A
10 SPECIFIED DISEASE.—Section 4(b)(2) is amended by
11 striking “other than chronic lymphocytic leukemia”
12 and inserting “including chronic lymphocytic leu-
13 kemia”.

14 (c) CLAIMS RELATING TO URANIUM MINING.—

15 (1) EMPLOYEES OF MINES AND MILLS.—Sec-
16 tion 5(a)(1)(A)(i) is amended—

17 (A) by inserting “(I)” after “(i)”;

18 (B) by striking “December 31, 1971; and”
19 and inserting “December 31, 1990; or”; and

20 (C) by adding at the end the following:

21 “(II) was employed as a core
22 driller in a State referred to in sub-
23 clause (I) during the period described
24 in such subclause; and”.

1 (2) MINERS.—Section 5(a)(1)(A)(ii)(I) is
2 amended by inserting “or renal cancer or any other
3 chronic renal disease, including nephritis and kidney
4 tubal tissue injury” after “nonmalignant respiratory
5 disease”.

6 (3) MILLERS, CORE DRILLERS, AND ORE
7 TRANSPORTERS.—Section 5(a)(1)(A)(ii)(II) is
8 amended—

9 (A) by inserting “, core driller,” after “was
10 a miller”;

11 (B) by inserting “, or was involved in re-
12 mediation efforts at such a uranium mine or
13 uranium mill,” after “ore transporter”;

14 (C) by inserting “(I)” after “clause (i)”;
15 and

16 (D) by striking all that follows “nonmalig-
17 nant respiratory disease” and inserting “or
18 renal cancer or any other chronic renal disease,
19 including nephritis and kidney tubal tissue in-
20 jury; or”.

21 (4) COMBINED WORK HISTORIES.—Section
22 5(a)(1)(A)(ii) is further amended—

23 (A) by striking “or” at the end of sub-
24 clause (I); and

25 (B) by adding at the end the following:

1 “(III)(aa) does not meet the con-
2 ditions of subclause (I) or (II);

3 “(bb) worked, during the pe-
4 riod described in clause (i)(I), in
5 two or more of the following posi-
6 tions: miner, miller, core driller,
7 and ore transporter;

8 “(cc) meets the require-
9 ments of paragraph (4) or (5), or
10 both; and

11 “(dd) submits written med-
12 ical documentation that the indi-
13 vidual developed lung cancer or a
14 nonmalignant respiratory disease
15 or renal cancer or any other
16 chronic renal disease, including
17 nephritis and kidney tubal tissue
18 injury after exposure to radiation
19 through work in one or more of
20 the positions referred to in item
21 (bb);”.

22 (5) DATES OF OPERATION OF URANIUM
23 MINE.—Section 5(a)(2)(A) is amended by striking
24 “December 31, 1971” and inserting “December 31,
25 1990”.

1 (6) SPECIAL RULES RELATING TO COMBINED
2 WORK HISTORIES.—Section 5(a) is amended by add-
3 ing at the end the following:

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

12 “(5) SPECIAL RULE RELATING TO COMBINED
13 WORK HISTORIES FOR MINERS.—An individual
14 meets the requirements of this paragraph if the indi-
15 vidual, during the period described in paragraph
16 (1)(A)(i)(I), worked as a miner and was exposed to
17 such number of working level months that the Attor-
18 ney General determines, when combined with the ex-
19 posure of such individual to radiation through work
20 as a miller, core driller, or ore transporter during
21 the period described in paragraph (1)(A)(i)(I), re-
22 sults in such individual being exposed to a total level
23 of radiation that is greater or equal to the level of
24 exposure of an individual described in paragraph
25 (4).”.

1 (7) DEFINITION OF CORE DRILLER.—Section
2 5(b) is amended—

3 (A) by striking “and” at the end of para-
4 graph (7);

5 (B) by striking the period at the end of
6 paragraph (8) and inserting “; and”; and

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

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

