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:

SEC. ___. DOWNWINDERS COMPENSATION.

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

(b) CLAIMS RELATING TO ATMOSPHERIC TESTING.—

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

(A) in clause (i)—

(i) in subclause (I), by striking “October 31, 1958” and inserting “November 6, 1962”;

(ii) in subclause (II)—
(I) by striking “in the affected area” and inserting “in an affected area”; and

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

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

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

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

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

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

“(bb) for the period beginning on April 25, 1962, and ending on November 6, 1962; or”; and
(B) in clause (ii)(I), by striking “physical presence described in subclause (I) or (II) of clause (i) or onsite participation described in clause (ii)(III)” and inserting “physical presence described in subclause (I), (II), (III), or (IV) of clause (i) or onsite participation described in clause (ii)(V)”.

(2) AMOUNTS FOR CLAIMS RELATED TO LEUKEMIA.—Section 4(a)(1) is amended—

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

(B) by striking subparagraph (B) and inserting the following:

“(B) AMOUNT.—If the conditions described in subparagraph (C) are met, an individual who is described in subparagraph (A) shall receive $150,000.”.

(3) CONDITIONS FOR CLAIMS RELATED TO LEUKEMIA.—Section 4(a)(1)(C) is amended—

(A) by striking clause (i); and

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

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

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

(ii) by striking “2 years” and inserting “1 year”; and

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

(B) in subparagraph (B)—

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

(ii) by striking “or” at the end;

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

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

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

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

“(i) for a period of at least 1 year during the period beginning on July 1, 1946, and ending on November 6, 1962; or
“(ii) for the period beginning on April 25, 1962, and ending on November 6, 1962; or’’.

(5) Amounts for claims related to specified diseases.—Section 4(a)(2) is amended in the matter following subparagraph (E) (as redesignated by this section) by striking ‘‘$50,000 (in the case of an individual described in subparagraph (A) or (B)) or $75,000 (in the case of an individual described in subparagraph (C)),’’ and inserting ‘‘$150,000’’.

(6) Medical benefits.—Section 4(a) is amended by adding at the end the following:

‘‘(5) Medical benefits.—An individual receiving a payment under this section shall be eligible to receive medical benefits in the same manner and to the same extent as an individual eligible to receive medical benefits under section 3629 of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7384t).’’

(7) Downwind states.—Section 4(b)(1) is amended to read as follows:

‘‘(1) ‘affected area’ means—

‘‘(A) except as provided under subparagraphs (B) and (C), Arizona, Colorado, Idaho,
Montana, Nevada, New Mexico, Utah, and Guam;

“(B) with respect to a claim by an individual under subsection (a)(1)(A)(i)(III) or subsection (a)(2)(C), only New Mexico; and

“(C) with respect to a claim by an individual under subsection (a)(1)(A)(i)(IV) or subsection (a)(2)(D), only Guam.”.

(8) CHRONIC LYMPHOCYTIC LEUKEMIA AS A SPECIFIED DISEASE.—Section 4(b)(2) is amended by striking “other than chronic lymphocytic leukemia” and inserting “including chronic lymphocytic leukemia”.

(e) CLAIMS RELATING TO URANIUM MINING.—

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

(A) by inserting “(I)” after “(i)”;

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

(C) by adding at the end the following:

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

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

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

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

(B) by inserting “, or was involved in remediation efforts at such a uranium mine or uranium mill,” after “ore transporter”;

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

and

(D) by striking all that follows “nonmalignant respiratory disease” and inserting “or renal cancer or any other chronic renal disease, including nephritis and kidney tubal tissue injury; or”.

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

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

(B) by adding at the end the following:
“(III)(aa) does not meet the conditions of subclause (I) or (II);

“(bb) worked, during the period described in clause (i)(I), in two or more of the following positions: miner, miller, core driller, and ore transporter;

“(cc) meets the requirements of paragraph (4) or (5), or both; and

“(dd) submits written medical documentation that the individual developed lung cancer or a nonmalignant respiratory disease or renal cancer or any other chronic renal disease, including nephritis and kidney tubal tissue injury after exposure to radiation through work in one or more of the positions referred to in item (bb);”.

(5) DATES OF OPERATION OF URANIUM MINE.—Section 5(a)(2)(A) is amended by striking “December 31, 1971” and inserting “December 31, 1990”.
(6) Special rules relating to combined work histories.—Section 5(a) is amended by adding at the end the following:

“(4) Special rule relating to combined work histories for individuals with at least one year of experience.—An individual meets the requirements of this paragraph if the individual worked in one or more of the positions referred to in paragraph (1)(A)(ii)(III)(bb) for a period of at least one year during the period described in paragraph (1)(A)(i)(I).

“(5) Special rule relating to combined work histories for miners.—An individual meets the requirements of this paragraph if the individual, during the period described in paragraph (1)(A)(i)(I), worked as a miner and was exposed to such number of working level months that the Attorney General determines, when combined with the exposure of such individual to radiation through work as a miller, core driller, or ore transporter during the period described in paragraph (1)(A)(i)(I), results in such individual being exposed to a total level of radiation that is greater or equal to the level of exposure of an individual described in paragraph (4).”.
(7) Definition of core driller.—Section 5(b) is amended—

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

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

(C) by adding at the end the following:

“(9) the term ‘core driller’ means any individual employed to engage in the act or process of obtaining cylindrical rock samples of uranium or vanadium by means of a borehole drilling machine for the purpose of mining uranium or vanadium.”.