

AMENDMENT TO RULES COMMITTEE PRINT 115-

70

**OFFERED BY MR. BEN RAY LUJÁN OF NEW
MEXICO**

At the end of division C, add the following new title:

1 **TITLE XXXVI—RADIATION EXPO-**
2 **SURE COMPENSATION ACT**
3 **AMENDMENTS**

4 **SEC. 3601. SHORT TITLE.**

5 This title may be cited as the “Radiation Exposure
6 Compensation Act Amendments of 2018”.

7 **SEC. 3602. REFERENCES.**

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

15 **SEC. 3603. EXTENSION OF FUND.**

16 Section 3(d) is amended—

17 (1) by striking the first sentence and inserting
18 “The Fund shall terminate 19 years after the date

1 of the enactment of the Radiation Exposure Com-
2 pensation Act Amendments of 2018.”; and

3 (2) by striking “22-year” and inserting “19-
4 year”.

5 **SEC. 3604. CLAIMS RELATING TO ATMOSPHERIC TESTING.**

6 (a) LEUKEMIA CLAIMS RELATING TO TRINITY TEST
7 IN NEW MEXICO AND TESTS IN THE PACIFIC.—Section
8 4(a)(1)(A) is amended—

9 (1) in clause (i)—

10 (A) in subclause (II)—

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

13 (ii) by striking “or” after the semi-
14 colon;

15 (B) by redesignating subclause (III) as
16 subclause (V); and

17 (C) by inserting after subclause (II) the
18 following:

19 “(III) was physically present in an af-
20 fected area for the period beginning on
21 June 30, 1945, and ending on July 31,
22 1945; or

23 “(IV) was physically present in an af-
24 fected area—

1 “(aa) for a period of at least 1
2 year during the period beginning on
3 June 30, 1946, and ending on August
4 19, 1958; or

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

8 (2) in clause (ii)(I), by striking “physical pres-
9 ence described in subclause (I) or (II) of clause (i)
10 or onsite participation described in clause (i)(III)”
11 and inserting “physical presence described in sub-
12 clause (I), (II), (III), or (IV) of clause (i) or onsite
13 participation described in clause (i)(V)”.

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

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

18 (2) by striking subparagraph (B) and inserting
19 the following:

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

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

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

6 (2) in subparagraph (B)—

7 (A) by striking “in the affected area” and
8 inserting “in an affected area”; and

9 (B) by striking “or” at the end;

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

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

14 “(C) was physically present in an affected
15 area for the period beginning on June 30,
16 1945, and ending on July 31, 1945;

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

19 “(i) for a period of at least 2 years
20 during the period beginning on June 30,
21 1946, and ending on August 19, 1958; or

22 “(ii) for the period beginning on April
23 25, 1962, and ending on November 5,
24 1962; or”.

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

7 “(i) a test involving the atmospheric
8 detonation of a nuclear device, or

9 “(ii) the cleanup of Enewetak Atoll
10 during the period beginning on January 1,
11 1977, and ending on December 31,
12 1980.”

13 (e) AMOUNTS FOR CLAIMS RELATED TO SPECIFIED
14 DISEASES.—Section 4(a)(2) is amended in the matter fol-
15 lowing subparagraph (E) (as redesignated by subsection
16 (c) of this section) by striking “\$50,000 (in the case of
17 an individual described in subparagraph (A) or (B)) or
18 \$75,000 (in the case of an individual described in subpara-
19 graph (C)),” and inserting “\$150,000”.

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

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

1 medical benefits under section 3629 of the Energy
2 Employees Occupational Illness Compensation Pro-
3 gram Act of 2000 (42 U.S.C. 7384t).”.

4 (g) DOWNWIND STATES.—Section 4(b)(1) is amend-
5 ed 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. 3605. CLAIMS RELATING TO URANIUM MINING.**

17 (a) EMPLOYEES OF MINES AND MILLS.—Section
18 5(a)(1)(A)(i) is amended—

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

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

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

23 “(II) was employed as a core driller in
24 a State referred to in subclause (I) during

1 the period described in such subclause;
2 and”.

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

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

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

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

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

16 (d) COMBINED WORK HISTORIES.—Section
17 5(a)(1)(A)(ii) is further amended—

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

19 and

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

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

23 “(bb) worked, during the period de-
24 scribed in clause (i)(I), in two or more of

1 the following positions: miner, miller, core
2 driller, and ore transporter;

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

5 “(dd) submits written medical docu-
6 mentation that the individual developed
7 lung cancer or a nonmalignant respiratory
8 disease or renal cancer or any other chron-
9 ic renal disease, including nephritis and
10 kidney tubal tissue injury after exposure to
11 radiation through work in one or more of
12 the positions referred to in item (bb);”.

13 (e) DATES OF OPERATION OF URANIUM MINE.—Sec-
14 tion 5(a)(2)(A) is amended by striking “December 31,
15 1971” and inserting “December 31, 1990”.

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

19 “(4) SPECIAL RULE RELATING TO COMBINED
20 WORK HISTORIES FOR INDIVIDUALS WITH AT LEAST
21 ONE YEAR OF EXPERIENCE.—An individual meets
22 the requirements of this paragraph if the individual
23 worked in one or more of the positions referred to
24 in paragraph (1)(A)(ii)(III)(bb) for a period of at

1 least one year during the period described in para-
2 graph (1)(A)(i)(I).

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

17 (g) DEFINITION OF CORE DRILLER.—Section 5(b) is
18 amended—

19 (1) by striking “and” at the end of paragraph
20 (7);

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

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

24 “(9) the term ‘core driller’ means any indi-
25 vidual employed to engage in the act or process of

1 obtaining cylindrical rock samples of uranium or va-
2 nadium by means of a borehole drilling machine for
3 the purpose of mining uranium or vanadium.”.

4 **SEC. 3606. EXPANSION OF USE OF AFFIDAVITS IN DETER-**
5 **MINATION OF CLAIMS; REGULATIONS.**

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

8 “(3) AFFIDAVITS.—

9 “(A) EMPLOYMENT HISTORY.—For pur-
10 poses of this Act, the Attorney General shall ac-
11 cept a written affidavit or declaration as evi-
12 dence to substantiate the employment history of
13 an individual as a miner, miller, core driller, or
14 ore transporter if the affidavit—

15 “(i) is provided in addition to other
16 material that may be used to substantiate
17 the employment history of the individual;

18 “(ii) attests to the employment history
19 of the individual;

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

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

24 “(B) PHYSICAL PRESENCE IN AFFECTED
25 AREA.—For purposes of this Act, the Attorney

1 General shall accept a written affidavit or dec-
2 laration as evidence to substantiate an individ-
3 ual's physical presence in an affected area dur-
4 ing a period described in section 4(a)(1)(A)(i)
5 or section 4(a)(2) if the affidavit—

6 “(i) is provided in addition to other
7 material that may be used to substantiate
8 the individual's presence in an affected
9 area during that time period;

10 “(ii) attests to the individual's pres-
11 ence in an affected area during that pe-
12 riod;

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 “(C) PARTICIPATION AT TESTING SITE.—
18 For purposes of this Act, the Attorney General
19 shall accept a written affidavit or declaration as
20 evidence to substantiate an individual's partici-
21 pation onsite in a test involving the atmospheric
22 detonation of a nuclear device if the affidavit—

23 “(i) is provided in addition to other
24 material that may be used to substantiate
25 the individual's participation onsite in a

1 test involving the atmospheric detonation
2 of a nuclear device;

3 “(ii) attests to the individual’s partici-
4 pation onsite in a test involving the atmos-
5 pheric detonation of a nuclear device;

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 “(D) PARTICIPATION IN CLEANUP.—For
11 purposes of this Act, the Attorney General shall
12 accept a written affidavit or declaration as evi-
13 dence to substantiate an individual’s participa-
14 tion onsite in the cleanup of Enewetak Atoll
15 during the period beginning on January 1,
16 1977, and ending on December 31, 1980, if the
17 affidavit—

18 “(i) is provided in addition to other
19 material that may be used to substantiate
20 the individual’s participation onsite in the
21 cleanup of Enewetak Atoll during such pe-
22 riod;

23 “(ii) attests to the individual’s partici-
24 pation onsite in the cleanup of Enewetak
25 Atoll during such period;

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

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

5 (b) GUIDELINES FOR ONSITE PARTICIPATION IN
6 CLEANUP OF ENEWETAK ATOLL.—Subparagraph (C) of
7 section 6(b)(2) is amended by striking “under section
8 4(a)(2)(C)” and inserting “, or in the cleanup of
9 Enewetak Atoll, under section 4(a)(2)(E)”.

10 (c) TECHNICAL AND CONFORMING AMENDMENTS.—
11 Section 6 is amended—

12 (1) in subsection (c)(2)—

13 (A) in subparagraph (A)—

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

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

1 (B) in subparagraph (B), by striking “sec-
2 tion 4(a)(2)(C)” and inserting “section
3 4(a)(2)(E)”;

4 (C) by adding “or in the cleanup of
5 Enewetak Atoll” after “detonation of a nuclear
6 device”; and

7 (2) in subsection (e)—

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

12 (B) by inserting “or in the cleanup of
13 Enewetak Atoll” after “detonation of a nuclear
14 device”.

15 (d) REGULATIONS.—Section 6(k) is amended by add-
16 ing at the end the following: “Not later than 180 days
17 after the date of enactment of the Radiation Exposure
18 Compensation Act Amendments of 2018, the Attorney
19 General shall issue revised regulations to carry out this
20 Act.”.

21 **SEC. 3607. LIMITATION ON CLAIMS.**

22 (a) EXTENSION OF FILING TIME.—Section 8(a) is
23 amended—

24 (1) by striking “22 years” and inserting “19
25 years”; and

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

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

4 “(b) RESUBMITTAL OF CLAIMS.—

5 “(1) DENIED CLAIMS.—After the date of enact-
6 ment of the Radiation Exposure Compensation Act
7 Amendments of 2018, any claimant who has been
8 denied compensation under this Act may resubmit a
9 claim for consideration by the Attorney General in
10 accordance with this Act not more than three times.
11 Any resubmittal made before the date of the enact-
12 ment of the Radiation Exposure Compensation Act
13 Amendments of 2018 shall not be applied to the lim-
14 itation under the preceding sentence.

15 “(2) PREVIOUSLY SUCCESSFUL CLAIMS.—

16 “(A) IN GENERAL.—After the date of en-
17 actment of the Radiation Exposure Compensa-
18 tion Act Amendments of 2018, any claimant
19 who received compensation under this Act may
20 submit a request to the Attorney General for
21 additional compensation and benefits. Such re-
22 quest shall contain—

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

1 “(ii) the amount of award received
2 under this Act before the date of enact-
3 ment of the Radiation Exposure Com-
4 pensation Act Amendments of 2018;

5 “(iii) any additional benefits and com-
6 pensation sought through such request;
7 and

8 “(iv) any additional information re-
9 quired by the Attorney General.

10 “(B) ADDITIONAL COMPENSATION.—If the
11 claimant received compensation under this Act
12 before the date of enactment of the Radiation
13 Exposure Compensation Act Amendments of
14 2018 and submits a request under subpara-
15 graph (A), the Attorney General shall—

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

18 “(I) the amount the claimant is
19 eligible to receive under this Act (as
20 amended by the Radiation Exposure
21 Compensation Act Amendments of
22 2018); minus

23 “(II) the aggregate amount paid
24 to the claimant under this Act before
25 the date of enactment of the Radi-

1 ation Exposure Compensation Act
2 Amendments of 2018; and
3 “(ii) in any case in which the claimant
4 was compensated under section 4, provide
5 the claimant with medical benefits under
6 section 4(a)(5).”.

7 **SEC. 3608. ATTORNEYS FEES.**

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

10 **SEC. 3609. GRANT PROGRAM ON EPIDEMIOLOGICAL IM-**
11 **FACTS OF URANIUM MINING AND MILLING.**

12 (a) DEFINITIONS.—In this section—

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

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

18 (3) the term “Secretary” means the Secretary
19 of Health and Human Services.

20 (b) ESTABLISHMENT.—The Secretary shall establish
21 a grant program relating to the epidemiological impacts
22 of uranium mining and milling. Grants awarded under the
23 program shall be used for the study of the epidemiological
24 impacts of uranium mining and milling among non-occu-

1 pationally exposed individuals, including family members
2 of uranium miners and millers.

3 (c) ADMINISTRATION.—The Secretary shall admin-
4 ister the program through the National Institute of Envi-
5 ronmental Health Sciences.

6 (d) ELIGIBILITY AND APPLICATION.—Any institution
7 of higher education or nonprofit private entity shall be eli-
8 gible to apply for a grant. To apply for a grant an eligible
9 institution or entity shall submit to the Secretary an appli-
10 cation at such time, in such manner, and containing or
11 accompanied by such information as the Secretary may
12 reasonably require.

13 (e) AUTHORIZATION OF APPROPRIATIONS.—There
14 are authorized to be appropriated to carry out this section
15 \$3,000,000 for each of fiscal years 2017 through 2021.

16 **SEC. 3610. ENERGY EMPLOYEES OCCUPATIONAL ILLNESS**
17 **COMPENSATION PROGRAM.**

18 (a) COVERED EMPLOYEES WITH CANCER.—Section
19 3621(9) of the Energy Employees Occupational Illness
20 Compensation Program Act of 2000 (42 U.S.C. 7384l(9))
21 is amended by striking subparagraph (A) and inserting
22 the following:

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

1 “(i) that individual contracted that
2 specified cancer after beginning employ-
3 ment at a Department of Energy facility
4 (in the case of a Department of Energy
5 employee or Department of Energy con-
6 tractor employee) or at an atomic weapons
7 employer facility (in the case of an atomic
8 weapons employee); or

9 “(ii) that individual—

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

1 of eligibility under section 5(a)(1) of
2 that Act; and

3 “(II) was employed in a uranium
4 mine or uranium mill described under
5 subclause (I) (including any individual
6 who was employed in core drilling or
7 the transport of uranium ore or vana-
8 dium-uranium ore from such mine or
9 mill) at any time during the period
10 beginning on January 1, 1942, and
11 ending on December 31, 1990.”.

12 (b) MEMBERS OF SPECIAL EXPOSURE COHORT.—
13 Section 3626 of the Energy Employees Occupational Ill-
14 ness Compensation Program Act of 2000 (42 U.S.C.
15 7384q) is amended—

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

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

21 “(A) at any Department of Energy facility
22 who likely were exposed to radiation at that fa-
23 cility but for whom it is not feasible to estimate
24 with sufficient accuracy the radiation dose they
25 received; or

1 “(B) employed in a uranium mine or ura-
2 nium mill described under section 5(a)(1)(A)(i)
3 of the Radiation Exposure Compensation Act
4 (42 U.S.C. 2210 note) (including any individual
5 who was employed in core drilling or the trans-
6 port of uranium ore or vanadium-uranium ore
7 from such mine or mill) located in Colorado,
8 New Mexico, Arizona, Wyoming, South Dakota,
9 Washington, Utah, Idaho, North Dakota, Or-
10 regon, Texas, and any State the Attorney Gen-
11 eral makes a determination under section
12 5(a)(2) of that Act for inclusion of eligibility
13 under section 5(a)(1) of that Act, at any time
14 during the period beginning on January 1,
15 1942, and ending on December 31, 1990, who
16 likely were exposed to radiation at that mine or
17 mill but for whom it is not feasible to estimate
18 with sufficient accuracy the radiation dose they
19 received.”; and

20 (2) by striking subsection (b) and inserting the
21 following:

22 “(b) DESIGNATION OF ADDITIONAL MEMBERS.—

23 “(1) Subject to the provisions of section
24 3621(14)(C), the members of a class of employees at
25 a Department of Energy facility, or at an atomic

1 weapons employer facility, may be treated as mem-
2 bers of the Special Exposure Cohort for purposes of
3 the compensation program if the President, upon
4 recommendation of the Advisory Board on Radiation
5 and Worker Health, determines that—

6 “(A) it is not feasible to estimate with suf-
7 ficient accuracy the radiation dose that the
8 class received; and

9 “(B) there is a reasonable likelihood that
10 such radiation dose may have endangered the
11 health of members of the class.

12 “(2) Subject to the provisions of section
13 3621(14)(C), the members of a class of employees
14 employed in a uranium mine or uranium mill de-
15 scribed under section 5(a)(1)(A)(i) of the Radiation
16 Exposure Compensation Act (42 U.S.C. 2210 note)
17 (including any individual who was employed in core
18 drilling or the transport of uranium ore or vana-
19 dium-uranium ore from such mine or mill) located in
20 Colorado, New Mexico, Arizona, Wyoming, South
21 Dakota, Washington, Utah, Idaho, North Dakota,
22 Oregon, Texas, and any State the Attorney General
23 makes a determination under section 5(a)(2) of that
24 Act for inclusion of eligibility under section 5(a)(1)
25 of that Act, at any time during the period beginning

1 on January 1, 1942, and ending on December 31,
2 1990, may be treated as members of the Special Ex-
3 posure Cohort for purposes of the compensation pro-
4 gram if the President, upon recommendation of the
5 Advisory Board on Radiation and Worker Health,
6 determines that—

7 “(A) it is not feasible to estimate with suf-
8 ficient accuracy the radiation dose that the
9 class received; and

10 “(B) there is a reasonable likelihood that
11 such radiation dose may have endangered the
12 health of members of the class.”.

