AMENDMENT TO RULES COMMITTEE PRINT 115–23

OFFERED BY MR. BEN RAY LUJÁN OF NEW MEXICO

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

TITLE XXXVI—RADIATION EXPOSURE COMPENSATION ACT AMENDMENTS

SEC. 3601. SHORT TITLE.

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

SEC. 3602. REFERENCES.

Except as otherwise specifically provided, whenever in this title 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).

SEC. 3603. EXTENSION OF FUND.

Section 3(d) is amended—

(1) by striking the first sentence and inserting “The Fund shall terminate 19 years after the date
of the enactment of the Radiation Exposure Compensation Act Amendments of 2017.”; and

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

SEC. 3604. CLAIMS RELATING TO ATMOSPHERIC TESTING.

(a) Leukemia Claims Relating to Trinity Test in New Mexico and Tests in the Pacific.—Section 4(a)(1)(A) is amended—

(1) in clause (i)—

(A) in subclause (II)—

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

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

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

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

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

“(IV) was physically present in an affected area—
“(aa) for a period of at least 1 year during the period beginning on June 30, 1946, and ending on August 19, 1958; or

“(bb) for the period beginning on April 25, 1962, and ending on November 5, 1962; or”; and

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

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

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

(2) 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)(i) shall receive $150,000.”.
(c) SPECIFIED DISEASES CLAIMS RELATING TO
TRINITY TEST IN NEW MEXICO AND TESTS IN THE PACIFIC.—Section 4(a)(2) is amended—
(1) in subparagraph (A), by striking “in the affected area” and inserting “in an affected area”;
(2) in subparagraph (B)—
(A) by striking “in the affected area” and inserting “in an affected area”; and
(B) by striking “or” at the end;
(3) by redesignating subparagraph (C) as subparagraph (E); and
(4) by inserting after subparagraph (B) the following:
“(C) was physically present in an affected area for the period beginning on June 30, 1945, and ending on July 31, 1945;
“(D) was physically present in an affected area—
“(i) for a period of at least 2 years during the period beginning on June 30, 1946, and ending on August 19, 1958; or
“(ii) for the period beginning on April 25, 1962, and ending on November 5, 1962; or”.
(d) **Claims Related to Radiation Exposure**

**During Cleanup of Enewetak Atoll.**—Subparagraph (E) of section 4(a)(2) (as redesignated by subsection (e) of this section) is amended by striking “a test involving the atmospheric detonation of a nuclear device,” and inserting the following:

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

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

(e) **Amounts for Claims Related to Specified Diseases.**—Section 4(a)(2) is amended in the matter following subparagraph (E) (as redesignated by subsection (e) of 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”.

(f) **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).”.

(g) 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, and Utah;

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

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

SEC. 3605. CLAIMS RELATING TO URANIUM MINING.

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

(1) by inserting “(I)” after “(i)”;

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

(3) 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”.

(b) 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”.

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

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

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

(3) 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”.

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

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

and

(2) 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 para-

graph (4) or (5), or both; and

“(dd) submits written medical docu-

mentation that the individual developed

lung cancer or a nonmalignant respiratory
disease or renal cancer or any other chron-
ic 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);”.

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

(f) 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 of radiation 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).”.

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

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

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

(3) 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.”.

SEC. 3606. EXPANSION OF USE OF AFFIDAVITS IN DETERMINATION OF CLAIMS; REGULATIONS.

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

“(3) AFFIDAVITS.—

“(A) EMPLOYMENT HISTORY.—For purposes of this Act, the Attorney General shall accept a written affidavit or declaration as evidence to substantiate the employment history of an individual as a miner, miller, core driller, or ore transporter if the affidavit—

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

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

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

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

“(B) PHYSICAL PRESENCE IN AFFECTED AREA.—For purposes of this Act, the Attorney
General shall accept a written affidavit or declaration as evidence to substantiate an individual’s physical presence in an affected area during a period described in section 4(a)(1)(A)(i) or section 4(a)(2) if the affidavit—

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

“(ii) attests to the individual’s presence in an affected area during that period;

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

“(iv) is made by a person other than 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 participa-
tion onsite in a test involving the atmos-
pheric 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 evi-
dence to substantiate an individual’s participa-
tion onsite in the cleanup of Enewetak Atoll
during the period beginning on January 1,
1977, and ending on December 31, 1980, if the
affidavit—

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

“(ii) attests to the individual’s partici-
pation onsite in the cleanup of Enewetak
Atoll during such period;
“(iii) is made subject to penalty for
perjury; and
“(iv) is made by a person other than
the individual filing the claim.”.

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

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

(1) in subsection (e)(2)—

(A) in subparagraph (A)—

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

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

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

(2) in subsection (e)—

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

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

(d) REGULATIONS.—Section 6(k) is amended by adding at the end the following: “Not later than 180 days after the date of enactment of the Radiation Exposure Compensation Act Amendments of 2017, the Attorney General shall issue revised regulations to carry out this Act.”.

SEC. 3607. LIMITATION ON CLAIMS.

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

(1) by striking “22 years” and inserting “19 years”; and
(2) by striking “‘2000’” and inserting “‘2017’.

(b) Resubmittal of Claims.—Section 8(b) is amended to read as follows:

“(b) Resubmittal of Claims.—

“(1) Denied Claims.—After the date of enactment of the Radiation Exposure Compensation Act Amendments of 2017, any claimant who has been denied compensation under this Act may resubmit a claim for consideration by the Attorney General in accordance with this Act not more than three times. Any resubmittal made before the date of the enactment of the Radiation Exposure Compensation Act Amendments of 2017 shall not be applied to the limitation under the preceding sentence.

“(2) Previously Successful Claims.—

“(A) In General.—After the date of enactment of the Radiation Exposure Compensation 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—

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

“(II) the aggregate amount paid to the claimant under this Act before the date of enactment of the Radi-
ation Exposure Compensation Act Amendments of 2017; and
“(ii) in any case in which the claimant was compensated under section 4, provide the claimant with medical benefits under section 4(a)(5).”.

SEC. 3608. ATTORNEYS FEES.
Section 9(b)(1) is amended by striking “2 percent” and inserting “10 percent”.

SEC. 3609. GRANT PROGRAM ON EPIDEMIOLOGICAL IMPACTS OF URANIUM MINING AND MILLING.
(a) DEFINITIONS.—In this section—
(1) the term “institution of higher education” has the meaning given under section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001);
(2) the term “program” means the grant program established under subsection (b); and
(3) the term “Secretary” means the Secretary of Health and Human Services.
(b) ESTABLISHMENT.—The Secretary shall establish a grant program relating to the epidemiological impacts of uranium mining and milling. Grants awarded under the program shall be used for the study of the epidemiological impacts of uranium mining and milling among non-occu-
pationally exposed individuals, including family members
of uranium miners and millers.

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

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

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

SEC. 3610. ENERGY EMPLOYEES OCCUPATIONAL ILLNESS
COMPENSATION PROGRAM.

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

“(A) An individual with a specified cancer
who is a member of the Special Exposure Co-
hort, if and only if—
“(i) that individual contracted that specified cancer after beginning employment at a Department of Energy facility (in the case of a Department of Energy employee or Department of Energy contractor employee) or at an atomic weapons employer facility (in the case of an atomic weapons employee); or

“(ii) that individual—

“(I) contracted that specified cancer after beginning employment in a uranium mine or uranium mill described under section 5(a)(1)(A)(i) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) (including any individual who was employed in core drilling or the transport of uranium ore or vanadium-uranium ore from such mine or mill) located in Colorado, New Mexico, Arizona, Wyoming, South Dakota, Washington, Utah, Idaho, North Dakota, Oregon, Texas, or any State the Attorney General makes a determination under section 5(a)(2) of that Act for inclusion
of eligibility under section 5(a)(1) of that Act; and

“(II) was employed in a uranium mine or uranium mill described under subclause (I) (including any individual who was employed in core drilling or the transport of uranium ore or vanadium-uranium ore from such mine or mill) at any time during the period beginning on January 1, 1942, and ending on December 31, 1990.”.

(b) Members of Special Exposure Cohort.—

Section 3626 of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7384q) is amended—

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

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

“(A) at any Department of Energy facility who likely were exposed to radiation at that facility but for whom it is not feasible to estimate with sufficient accuracy the radiation dose they received; or
“(B) employed in a uranium mine or uranium mill described under section 5(a)(1)(A)(i) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) (including any individual who was employed in core drilling or the transport of uranium ore or vanadium-uranium ore from such mine or mill) located in Colorado, New Mexico, Arizona, Wyoming, South Dakota, Washington, Utah, Idaho, North Dakota, Oregon, Texas, and any State the Attorney General makes a determination under section 5(a)(2) of that Act for inclusion of eligibility under section 5(a)(1) of that Act, at any time during the period beginning on January 1, 1942, and ending on December 31, 1990, who likely were exposed to radiation at that mine or mill but for whom it is not feasible to estimate with sufficient accuracy the radiation dose they received.”; and

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

“(b) DESIGNATION OF ADDITIONAL MEMBERS.—

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

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(A) it is not feasible to estimate with sufficient accuracy the radiation dose that the class received; and

(B) there is a reasonable likelihood that such radiation dose may have endangered the health of members of the class.
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(2) Subject to the provisions of section 3621(14)(C), the members of a class of employees employed in a uranium mine or uranium mill described under section 5(a)(1)(A)(i) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) (including any individual who was employed in core drilling or the transport of uranium ore or vanadium-uranium ore from such mine or mill) located in Colorado, New Mexico, Arizona, Wyoming, South Dakota, Washington, Utah, Idaho, North Dakota, Oregon, Texas, and any State the Attorney General makes a determination under section 5(a)(2) of that Act for inclusion of eligibility under section 5(a)(1) of that Act, at any time during the period beginning
on January 1, 1942, and ending on December 31, 1990, may be treated as members of the Special Exposure Cohort for purposes of the compensation program if the President, upon recommendation of the Advisory Board on Radiation and Worker Health, determines that—

“(A) it is not feasible to estimate with sufficient accuracy the radiation dose that the class received; and

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