

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 5338
OFFERED BY MR. NADLER OF NEW YORK**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Radiation Exposure
3 Compensation Act Amendments of 2021”.

4 SEC. 2. REFERENCES.

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

12 SEC. 3. EXTENSION OF FUND.

13 Section 3(d) is amended—

14 (1) by striking the first sentence and inserting
15 “The Fund shall terminate 19 years after the date
16 of the enactment of the Radiation Exposure Com-
17 pensation Act Amendments of 2021.”; and

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

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

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

7 (1) in clause (i)—

8 (A) in subclause (I), by striking “October
9 31, 1958” and inserting “November 6, 1962”;

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

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

19 “(III) was physically present in an af-
20 fected area for a period of at least 1 year
21 during the period beginning on September
22 24, 1944, and ending on November 6,
23 1962;

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

1 “(aa) for a period of at least 1
2 year during the period beginning on
3 July 1, 1946, and ending on Novem-
4 ber 6, 1962; or

5 “(bb) for the period beginning on
6 April 25, 1962, and ending on No-
7 vember 6, 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)
23 shall receive \$150,000.”.

24 (c) CONDITIONS FOR CLAIMS RELATED TO LEU-
25 KEMIA.—Section 4(a)(1)(C) is amended—

1 (1) by striking clause (i); and

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

4 (d) SPECIFIED DISEASES CLAIMS RELATING TO
5 TRINITY TEST IN NEW MEXICO AND TESTS AT THE NE-
6 VADA SITE AND IN THE PACIFIC.—Section 4(a)(2) is
7 amended—

8 (1) in subparagraph (A)—

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

11 (B) by striking “2 years” and inserting “1
12 year”; and

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

15 (2) in subparagraph (B)—

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

18 (B) by striking “or” at the end;

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

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

23 “(C) was physically present in an affected
24 area for a period of at least 1 year during the

1 period beginning on September 24, 1944, and
2 ending on November 6, 1962; or

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

5 “(i) for a period of at least 1 year
6 during the period beginning on July 1,
7 1946, and ending on November 6, 1962; or

8 “(ii) for the period beginning on April
9 25, 1962, and ending on November 6,
10 1962; or”.

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

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

20 “(5) MEDICAL BENEFITS.—An individual re-
21 ceiving a payment under this section shall be eligible
22 to receive medical benefits in the same manner and
23 to the same extent as an individual eligible to receive
24 medical benefits under section 3629 of the Energy

1 Employees Occupational Illness Compensation Pro-
2 gram Act of 2000 (42 U.S.C. 7384t).”.

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

5 “(1) ‘affected area’ means—

6 “(A) except as provided under subpara-
7 graphs (B) and (C), Arizona, Colorado, Idaho,
8 Montana, Nevada, New Mexico, Utah, and
9 Guam;

10 “(B) with respect to a claim by an indi-
11 vidual under subsection (a)(1)(A)(i)(III) or sub-
12 section (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 sub-
15 section (a)(2)(D), only Guam.”.

16 (h) CHRONIC LYMPHOCYTIC LEUKEMIA AS A SPECI-
17 FIED DISEASE.—Section 4(b)(2) is amended by striking
18 “other than chronic lymphocytic leukemia” and inserting
19 “including chronic lymphocytic leukemia”.

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

21 (a) IN GENERAL.— Section 5(a) is amended by
22 amending paragraph (1) to read as follows:

23 “(1) IN GENERAL.—

24 “(A) REQUIREMENT.—An individual shall
25 receive \$100,000 for a claim made under this

1 Act if the individual meets the requirement
2 under subparagraph (B) and one of subpara-
3 graphs (C) through (E).

4 “(B) EMPLOYMENT DURATION AND LOCA-
5 TION.—Each of the following conditions are
6 met with respect to the individual:

7 “(i) The individual was employed—

8 “(I) in a uranium mine or ura-
9 nium mill (including any individual
10 who was employed in the transport of
11 uranium ore or vanadium-uranium ore
12 from such mine or mill) located in
13 Colorado, New Mexico, Arizona, Wyo-
14 ming, South Dakota, Washington,
15 Utah, Idaho, North Dakota, Oregon,
16 and Texas at any time during the pe-
17 riod beginning on January 1, 1942,
18 and ending on December 31, 1990; or

19 “(II) was employed as a core
20 driller in a State referred to in sub-
21 clause (I) during the period described
22 in such subclause.

23 “(ii) The claim for that payment is
24 filed with the Attorney General by or on
25 behalf of that individual.

1 “(iii) The Attorney General deter-
2 mines, in accordance with section 6, that
3 the claim meets the requirements of this
4 Act.

5 “(C) EXPOSURE LEVELS.—The indi-
6 vidual—

7 “(i) was a miner exposed to 40 or
8 more working level months of radiation or
9 worked for at least 1 year during the pe-
10 riod described under clause (i) and submits
11 written medical documentation that the in-
12 dividual, after that exposure, developed
13 lung cancer or a nonmalignant respiratory
14 disease or renal cancer or any other chron-
15 ic renal disease, including nephritis and
16 kidney tubal tissue injury; or

17 “(ii) was a miller, core driller, or ore
18 transporter, or was involved in remediation
19 efforts at such a uranium mine or uranium
20 mill, who worked for at least 1 year during
21 the period described under subparagraph
22 (B)(i), and submits written medical docu-
23 mentation that the individual, after that
24 exposure, developed lung cancer or a non-
25 malignant respiratory disease or renal can-

1 cer or any other chronic renal disease, in-
2 cluding nephritis and kidney tubal tissue
3 injury.

4 “(D) AGGREGATE WORK OF AT LEAST ONE
5 YEAR.—The individual worked, for an aggre-
6 gate period of at least one year during the pe-
7 riod described in subparagraph (B)(i), in two or
8 more of positions of miner, miller, core driller,
9 and ore transporter.

10 “(E) AGGREGATE WORK OF MINERS.—The
11 individual, during the period described in sub-
12 paragraph (B)(i), worked as a miner and was
13 exposed to such number of working level
14 months that the Attorney General determines,
15 when combined with the exposure of such indi-
16 vidual to radiation through work as a miller,
17 core driller, or ore transporter during such pe-
18 riod, results in such individual being exposed to
19 a total level of radiation that is greater or equal
20 to the level of exposure of an individual de-
21 scribed in subparagraph (D).”.

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

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

3 (1) by striking “and” at the end of paragraph
4 (7);

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

7 (3) 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.”.

13 **SEC. 6. EXPANSION OF USE OF AFFIDAVITS IN DETERMINA-**
14 **TION OF CLAIMS; REGULATIONS.**

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

17 “(3) AFFIDAVITS.—

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

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

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

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

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

21 “(ii) attests to the individual’s pres-
22 ence in an affected area during that pe-
23 riod;

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

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

3 “(C) PARTICIPATION AT TESTING SITE.—
4 For purposes of this Act, the Attorney General
5 shall accept a written affidavit or declaration as
6 evidence to substantiate an individual’s partici-
7 pation onsite in a test involving the atmospheric
8 detonation of a nuclear device if the affidavit—

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

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

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

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

21 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

22 Section 6 is amended—

23 (1) in subsection (b)(2)(C), by striking “section
24 4(a)(2)(C)” and inserting “section 4(a)(2)(E)”;

25 (2) in subsection (c)(2)—

1 (A) in subparagraph (A)—

2 (i) in the matter preceding clause (i),
3 by striking “subsection (a)(1), (a)(2)(A),
4 or (a)(2)(B) of section 4” and inserting
5 “subsection (a)(1), (a)(2)(A), (a)(2)(B),
6 (a)(2)(C), or (a)(2)(D) of section 4”; and

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

12 (B) in subparagraph (B), by striking “sec-
13 tion 4(a)(2)(C)” and inserting “section
14 4(a)(2)(E)”; and

15 (3) in subsection (e), by striking “subsection
16 (a)(1), (a)(2)(A), or (a)(2)(B) of section 4” and in-
17 serting “subsection (a)(1), (a)(2)(A), (a)(2)(B),
18 (a)(2)(C), or (a)(2)(D) of section 4”.

19 (c) REGULATIONS.—

20 (1) IN GENERAL.—Section 6(k) is amended by
21 adding at the end the following: “Not later than 180
22 days after the date of enactment of the Radiation
23 Exposure Compensation Act Amendments of 2021,
24 the Attorney General shall issue revised regulations
25 to carry out this Act.”.

1 (2) CONSIDERATIONS IN REVISIONS.—In
2 issuing revised regulations under section 6(k) of the
3 Radiation Exposure Compensation Act (Public Law
4 101–426; 42 U.S.C. 2210 note), as amended under
5 paragraph (1), the Attorney General shall ensure
6 that procedures with respect to the submission and
7 processing of claims under such Act take into ac-
8 count and make allowances for the law, tradition,
9 and customs of Indian tribes, including by accepting
10 as a record of proof of physical presence for a claim-
11 ant a grazing permit, a homesite lease, a record of
12 being a holder of a post office box, a letter from an
13 elected leader of an Indian tribe, or a record of any
14 recognized tribal association or organization.

15 **SEC. 7. LIMITATION ON CLAIMS.**

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

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

20 (2) by striking “2000” and inserting “2021”.

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

23 “(b) RESUBMITTAL OF CLAIMS.—

24 “(1) DENIED CLAIMS.—After the date of enact-
25 ment of the Radiation Exposure Compensation Act

1 Amendments of 2021, any claimant who has been
2 denied compensation under this Act may resubmit a
3 claim for consideration by the Attorney General in
4 accordance with this Act not more than three times.
5 Any resubmittal made before the date of the enact-
6 ment of the Radiation Exposure Compensation Act
7 Amendments of 2021 shall not be applied to the lim-
8 itation under the preceding sentence.

9 “(2) PREVIOUSLY SUCCESSFUL CLAIMS.—

10 “(A) IN GENERAL.—After the date of en-
11 actment of the Radiation Exposure Compensa-
12 tion Act Amendments of 2021, any claimant
13 who received compensation under this Act may
14 submit a request to the Attorney General for
15 additional compensation and benefits. Such re-
16 quest shall contain—

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

19 “(ii) the amount of award received
20 under this Act before the date of enact-
21 ment of the Radiation Exposure Com-
22 pensation Act Amendments of 2021;

23 “(iii) any additional benefits and com-
24 pensation sought through such request;
25 and

1 “(iv) any additional information re-
2 quired by the Attorney General.

3 “(B) ADDITIONAL COMPENSATION.—If the
4 claimant received compensation under this Act
5 before the date of enactment of the Radiation
6 Exposure Compensation Act Amendments of
7 2021 and submits a request under subpara-
8 graph (A), the Attorney General shall—

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

11 “(I) the amount the claimant is
12 eligible to receive under this Act (as
13 amended by the Radiation Exposure
14 Compensation Act Amendments of
15 2021); minus

16 “(II) the aggregate amount paid
17 to the claimant under this Act before
18 the date of enactment of the Radi-
19 ation Exposure Compensation Act
20 Amendments of 2021; and

21 “(ii) in any case in which the claimant
22 was compensated under section 4, provide
23 the claimant with medical benefits under
24 section 4(a)(5).”.

1 **SEC. 8. GRANT PROGRAM ON EPIDEMIOLOGICAL IMPACTS**
2 **OF URANIUM MINING AND MILLING.**

3 (a) DEFINITIONS.—In this section—

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

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

9 (3) the term “Secretary” means the Secretary
10 of Health and Human Services.

11 (b) ESTABLISHMENT.—The Secretary shall establish
12 a grant program relating to the epidemiological impacts
13 of uranium mining and milling. Grants awarded under the
14 program shall be used for the study of the epidemiological
15 impacts of uranium mining and milling among non-occu-
16 pationally exposed individuals, including family members
17 of uranium miners and millers.

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

21 (d) ELIGIBILITY AND APPLICATION.—Any institution
22 of higher education or nonprofit private entity shall be eli-
23 gible to apply for a grant. To apply for a grant an eligible
24 institution or entity shall submit to the Secretary an appli-
25 cation at such time, in such manner, and containing or

1 accompanied by such information as the Secretary may
2 reasonably require.

3 (e) AUTHORIZATION OF APPROPRIATIONS.—There
4 are authorized to be appropriated to carry out this section
5 \$3,000,000 for each of fiscal years 2022 through 2024.

6 **SEC. 9. ENERGY EMPLOYEES OCCUPATIONAL ILLNESS**
7 **COMPENSATION PROGRAM.**

8 (a) COVERED EMPLOYEES WITH CANCER.—Section
9 3621(9) of the Energy Employees Occupational Illness
10 Compensation Program Act of 2000 (42 U.S.C. 73841(9))
11 is amended by striking subparagraph (A) and inserting
12 the following:

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

16 “(i) that individual contracted that
17 specified cancer after beginning employ-
18 ment at a Department of Energy facility
19 (in the case of a Department of Energy
20 employee or Department of Energy con-
21 tractor employee) or at an atomic weapons
22 employer facility (in the case of an atomic
23 weapons employee); or

24 “(ii) that individual—

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

19 “(II) was employed in a uranium
20 mine or uranium mill described under
21 subclause (I) (including any individual
22 who was employed in core drilling or
23 the transport of uranium ore or vana-
24 dium-uranium ore from such mine or
25 mill) at any time during the period

1 beginning on January 1, 1942, and
2 ending on December 31, 1990.”.

3 (b) MEMBERS OF SPECIAL EXPOSURE COHORT.—
4 Section 3626 of the Energy Employees Occupational Ill-
5 ness Compensation Program Act of 2000 (42 U.S.C.
6 7384q) is amended—

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

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

12 “(A) at any Department of Energy facility
13 who likely were exposed to radiation at that fa-
14 cility but for whom it is not feasible to estimate
15 with sufficient accuracy the radiation dose they
16 received; and

17 “(B) employed in a uranium mine or ura-
18 nium mill described under section 5(a)(1) of the
19 Radiation Exposure Compensation Act (42
20 U.S.C. 2210 note) (including any individual
21 who was employed in core drilling or the trans-
22 port of uranium ore or vanadium-uranium ore
23 from such mine or mill) located in Colorado,
24 New Mexico, Arizona, Wyoming, South Dakota,
25 Washington, Utah, Idaho, North Dakota, Or-

1 egon, Texas, and any State the Attorney Gen-
2 eral makes a determination under section
3 5(a)(2) of that Act for inclusion of eligibility
4 under section 5(a)(1) of that Act, at any time
5 during the period beginning on January 1,
6 1942, and ending on December 31, 1990, who
7 likely were exposed to radiation at that mine or
8 mill but for whom it is not feasible to estimate
9 with sufficient accuracy the radiation dose they
10 received.”; and

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

13 “(b) DESIGNATION OF ADDITIONAL MEMBERS.—

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

22 “(A) it is not feasible to estimate with suf-
23 ficient accuracy the radiation dose that the
24 class received; and

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

4 “(2) Subject to the provisions of section
5 3621(14)(C), the members of a class of employees
6 employed in a uranium mine or uranium mill de-
7 scribed under section 5(a)(1) of the Radiation Expo-
8 sure Compensation Act (42 U.S.C. 2210 note) (in-
9 cluding any individual who was employed in core
10 drilling or the transport of uranium ore or vana-
11 dium-uranium ore from such mine or mill) located in
12 Colorado, New Mexico, Arizona, Wyoming, South
13 Dakota, Washington, Utah, Idaho, North Dakota,
14 Oregon, Texas, and any State the Attorney General
15 makes a determination under section 5(a)(2) of that
16 Act for inclusion of eligibility under section 5(a)(1)
17 of that Act, at any time during the period beginning
18 on January 1, 1942, and ending on December 31,
19 1990, may be treated as members of the Special Ex-
20 posure Cohort for purposes of the compensation pro-
21 gram if the President, upon recommendation of the
22 Advisory Board on Radiation and Worker Health,
23 determines that—

1 “(A) it is not feasible to estimate with suf-
2 ficient accuracy the radiation dose that the
3 class received; and

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

7 **SEC. 10. EFFECTIVE DATE.**

8 The amendments made by this Act shall take effect
9 on the date of the enactment of this Act.

