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

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

(a) Leukemia Claims Relating to Trinity Test

in New Mexico and Tests at the Nevada Site and

in the Pacific.—Section 4(a)(1)(A) is amended—

(1) in clause (i)—

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

(B) 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;

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

(D) 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;

“(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

(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) shall receive $150,000.”.

(c) CONDITIONS FOR CLAIMS RELATED TO LEUKEMIA.—Section 4(a)(1)(C) is amended—
(1) by striking clause (i); and

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

(d) SPECIFIED DISEASES CLAIMS RELATING TO TRINITY TEST IN NEW MEXICO AND TESTS AT THE NEVADA SITE AND IN THE PACIFIC.—Section 4(a)(2) is amended—

(1) in subparagraph (A)—

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

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

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

(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 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”.

(e) Amounts for Claims Related to Specified
Diseases.—Section 4(a)(2) is amended in the matter fol-
lowing subparagraph (E) (as redesignated by subsection
(d) 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 subpara-
graph (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 re-
ceiving 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, 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.”.

(h) **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”.

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

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

“(1) **IN GENERAL.**—

“(A) **REQUIREMENT.**—An individual shall receive $100,000 for a claim made under this
Act if the individual meets the requirement under subparagraph (B) and one of subparagraphs (C) through (E).

“(B) EMPLOYMENT DURATION AND LOCATION.—Each of the following conditions are met with respect to the individual:

“(i) The individual was employed—

“(I) in a uranium mine or uranium mill (including any individual who was employed in 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, and Texas at any time during the period beginning on January 1, 1942, and ending on December 31, 1990; or

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

“(ii) The claim for that payment is filed with the Attorney General by or on behalf of that individual.
“(iii) The Attorney General determines, in accordance with section 6, that the claim meets the requirements of this Act.

“(C) EXPOSURE LEVELS.—The individual—

“(i) was a miner exposed to 40 or more working level months of radiation or worked for at least 1 year during the period described under clause (i) and submits written medical documentation that the individual, after that exposure, developed lung cancer or a nonmalignant respiratory disease or renal cancer or any other chronic renal disease, including nephritis and kidney tubal tissue injury; or

“(ii) was a miller, core driller, or ore transporter, or was involved in remediation efforts at such a uranium mine or uranium mill, who worked for at least 1 year during the period described under subparagraph (B)(i), and submits written medical documentation that the individual, after that exposure, developed lung cancer or a nonmalignant respiratory disease or renal can-
cer or any other chronic renal disease, including nephritis and kidney tubal tissue injury.

“(D) AGGREGATE WORK OF AT LEAST ONE YEAR.—The individual worked, for an aggregate period of at least one year during the period described in subparagraph (B)(i), in two or more of positions of miner, miller, core driller, and ore transporter.

“(E) AGGREGATE WORK OF MINERS.—The individual, during the period described in subparagraph (B)(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 such period, 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 subparagraph (D).”.

(b) DATES OF OPERATION OF URANIUM MINE.—Section 5(a)(2)(A) is amended by striking “December 31, 1971” and inserting “December 31, 1990”.
(c) 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. 6. 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 partici-
ption 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 partici-
pation 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.”.

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

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

(2) in subsection (c)(2)—
(A) in subparagraph (A)—

(i) in the matter preceding clause (i), 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 “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) in subparagraph (B), by striking “section 4(a)(2)(C)” and inserting “section 4(a)(2)(E)”; and

(3) in subsection (e), 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”.

(c) REGULATIONS.—

(1) IN GENERAL.—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 2021, the Attorney General shall issue revised regulations to carry out this Act.”.
(2) Considerations in Revisions.—In issuing revised regulations under section 6(k) of the Radiation Exposure Compensation Act (Public Law 101–426; 42 U.S.C. 2210 note), as amended under paragraph (1), the Attorney General shall ensure that procedures with respect to the submission and processing of claims under such Act take into account and make allowances for the law, tradition, and customs of Indian tribes, including by accepting as a record of proof of physical presence for a claimant a grazing permit, a homesite lease, a record of being a holder of a post office box, a letter from an elected leader of an Indian tribe, or a record of any recognized tribal association or organization.

SEC. 7. 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 “2021”.

(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 2021, 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 2021 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 2021, 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 2021;

“(iii) any additional benefits and compensation sought through such request; and
“(iv) any additional information re-
quired 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
2021 and submits a request under subpara-
graph (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
2021); 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 2021; 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. 8. 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 pro-
gram 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-
ronmental 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 2022 through 2024.

SEC. 9. 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 Cohort, 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) 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; and

“(B) employed in a uranium mine or uranium mill described under section 5(a)(1) 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, Or-
egon, 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 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—

“(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.

“(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) 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.”.

SEC. 10. EFFECTIVE DATE.

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