

115TH CONGRESS
1ST SESSION

H. R. 2049

To amend the Radiation Exposure Compensation Act to improve compensation for workers involved in uranium mining, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 6, 2017

Mr. BEN RAY LUJÁN of New Mexico (for himself, Ms. MICHELLE LUJAN GRISHAM of New Mexico, Mr. PEARCE, Ms. BORDALLO, Mr. O'HALLERAN, Ms. TITUS, Ms. DEGETTE, Mr. PERLMUTTER, Mr. CÁRDENAS, Mr. SOTO, Mr. SMITH of Washington, Mr. GRIJALVA, Mr. MCGOVERN, Mr. HECK, Ms. JAYAPAL, Mr. GALLEGO, Ms. SINEMA, Mr. DEFAZIO, Mr. HASTINGS, Mr. HIGGINS of New York, Ms. JACKSON LEE, Ms. DELBENE, Mr. KILMER, Mr. BLUMENAUER, Mr. DOGGETT, and Mr. SCHRADER) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on Education and the Workforce, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Radiation Exposure Compensation Act to improve compensation for workers involved in uranium mining, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

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

1 **SEC. 2. REFERENCES.**

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

9 **SEC. 3. EXTENSION OF FUND.**

10 Section 3(d) is amended—

11 (1) by striking the first sentence and inserting
12 “The Fund shall terminate 19 years after the date
13 of the enactment of the Radiation Exposure Com-
14 pensation Act Amendments of 2017.”; and

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

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

18 (a) LEUKEMIA CLAIMS RELATING TO TRINITY TEST
19 IN NEW MEXICO AND TESTS IN THE PACIFIC.—Section
20 4(a)(1)(A) is amended—

21 (1) in clause (i)—

22 (A) in subclause (II)—

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

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

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

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

5 “(III) was physically present in an af-
6 fected area for the period beginning on
7 June 30, 1945, and ending on July 31,
8 1945; or

9 “(IV) was physically present in an af-
10 fected area—

11 “(aa) for a period of at least 1
12 year during the period beginning on
13 June 30, 1946, and ending on August
14 19, 1958; or

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

18 (2) in clause (ii)(I), by striking “physical pres-
19 ence described in subclause (I) or (II) of clause (i)
20 or onsite participation described in clause (i)(III)”
21 and inserting “physical presence described in sub-
22 clause (I), (II), (III), or (IV) of clause (i) or onsite
23 participation described in clause (i)(V)”.

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

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

3 (2) by striking subparagraph (B) and inserting
4 the following:

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

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

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

14 (2) in subparagraph (B)—

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

17 (B) by striking “or” at the end;

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

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

22 “(C) was physically present in an affected
23 area for the period beginning on June 30,
24 1945, and ending on July 31, 1945;

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

3 “(i) for a period of at least 2 years
4 during the period beginning on June 30,
5 1946, and ending on August 19, 1958; or

6 “(ii) for the period beginning on April
7 25, 1962, and ending on November 5,
8 1962; or”.

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

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

17 “(ii) the cleanup of Enewetak Atoll
18 during the period beginning on January 1,
19 1977, and ending on December 31,
20 1980,”.

21 (e) AMOUNTS FOR CLAIMS RELATED TO SPECIFIED
22 DISEASES.—Section 4(a)(2) is amended in the matter fol-
23 lowing subparagraph (E) (as redesignated by subsection
24 (c) of this section) by striking “\$50,000 (in the case of
25 an individual described in subparagraph (A) or (B)) or

1 \$75,000 (in the case of an individual described in subpara-
2 graph (C)),” and inserting “\$150,000”.

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

5 “(5) MEDICAL BENEFITS.—An individual re-
6 ceiving a payment under this section shall be eligible
7 to receive medical benefits in the same manner and
8 to the same extent as an individual eligible to receive
9 medical benefits under section 3629 of the Energy
10 Employees Occupational Illness Compensation Pro-
11 gram Act of 2000 (42 U.S.C. 7384t).”.

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

14 “(1) ‘affected area’ means—

15 “(A) except as provided under subpara-
16 graphs (B) and (C), Arizona, Colorado, Idaho,
17 Montana, Nevada, New Mexico, and Utah;

18 “(B) with respect to a claim by an indi-
19 vidual under subsection (a)(1)(A)(i)(III) or
20 (a)(2)(C), only New Mexico; and

21 “(C) with respect to a claim by an indi-
22 vidual under subsection (a)(1)(A)(i)(IV) or
23 (a)(2)(D), only Guam.”.

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

2 (a) EMPLOYEES OF MINES AND MILLS.—Section
3 5(a)(1)(A)(i) is amended—

4 (1) by inserting “(I)” after “(i)”;

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

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

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

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

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

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

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

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

25 (d) COMBINED WORK HISTORIES.—Section
26 5(a)(1)(A)(ii) is further amended—

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

2 and

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

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

6 “(bb) worked, during the period de-
7 scribed in clause (i)(I), in two or more of
8 the following positions: miner, miller, core
9 driller, and ore transporter;

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

12 “(dd) submits written medical docu-
13 mentation that the individual developed
14 lung cancer or a nonmalignant respiratory
15 disease or renal cancer or any other chron-
16 ic renal disease, including nephritis and
17 kidney tubal tissue injury after exposure to
18 radiation through work in one or more of
19 the positions referred to in item (bb);”.

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

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

1 “(4) SPECIAL RULE RELATING TO COMBINED
2 WORK HISTORIES FOR INDIVIDUALS WITH AT LEAST
3 ONE YEAR OF EXPERIENCE.—An individual meets
4 the requirements of this paragraph if the individual
5 worked in one or more of the positions referred to
6 in paragraph (1)(A)(ii)(III)(bb) for a period of at
7 least one year during the period described in para-
8 graph (1)(A)(i)(I).

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

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

1 (1) by striking “and” at the end of paragraph
2 (7);

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

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

6 “(9) the term ‘core driller’ means any indi-
7 vidual employed to engage in the act or process of
8 obtaining cylindrical rock samples of uranium or va-
9 nadium by means of a borehole drilling machine for
10 the purpose of mining uranium or vanadium.”.

11 **SEC. 6. EXPANSION OF USE OF AFFIDAVITS IN DETERMINA-**
12 **TION OF CLAIMS; REGULATIONS.**

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

15 “(3) AFFIDAVITS.—

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

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

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

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

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

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

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

18 “(ii) attests to the individual’s pres-
19 ence in an affected area during that pe-
20 riod;

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

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

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

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

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

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

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

19 “(D) PARTICIPATION IN CLEANUP.—For
20 purposes of this Act, the Attorney General shall
21 accept a written affidavit or declaration as evi-
22 dence to substantiate an individual’s participa-
23 tion onsite in the cleanup of Enewetak Atoll
24 during the period beginning on January 1,

1 1977, and ending on December 31, 1980, if the
2 affidavit—

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

8 “(ii) attests to the individual’s partici-
9 pation onsite in the cleanup of Enewetak
10 Atoll during such period;

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

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

15 (b) GUIDELINES FOR ONSITE PARTICIPATION IN
16 CLEANUP OF ENEWETAK ATOLL.—Subparagraph (C) of
17 section 6(b)(2) is amended by striking “under section
18 4(a)(2)(C)” and inserting “, or in the cleanup of
19 Enewetak Atoll, under section 4(a)(2)(E)”.

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

22 (1) in subsection (c)(2)—

23 (A) in subparagraph (A)—

24 (i) in the first sentence, by striking
25 “subsection (a)(1), (a)(2)(A), or (a)(2)(B)

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

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

9 (B) in subparagraph (B), by striking “sec-
10 tion 4(a)(2)(C)” and inserting “section
11 4(a)(2)(E)”;

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

15 (2) in subsection (e)—

16 (A) by striking “subsection (a)(1),
17 (a)(2)(A), or (a)(2)(B) of section 4” and insert-
18 ing “subsection (a)(1), (a)(2)(A), (a)(2)(B),
19 (a)(2)(C), or (a)(2)(D) of section 4”; and

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

23 (d) REGULATIONS.—Section 6(k) is amended by add-
24 ing at the end the following: “Not later than 180 days
25 after the date of enactment of the Radiation Exposure

1 Compensation Act Amendments of 2017, the Attorney
2 General shall issue revised regulations to carry out this
3 Act.”.

4 **SEC. 7. LIMITATION ON CLAIMS.**

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

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

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

10 (b) **RESUBMITTAL OF CLAIMS.**—Section 8(b) is
11 amended to read as follows:

12 “(b) **RESUBMITTAL OF CLAIMS.**—

13 “(1) **DENIED CLAIMS.**—After the date of enact-
14 ment of the Radiation Exposure Compensation Act
15 Amendments of 2017, any claimant who has been
16 denied compensation under this Act may resubmit a
17 claim for consideration by the Attorney General in
18 accordance with this Act not more than three times.
19 Any resubmittal made before the date of the enact-
20 ment of the Radiation Exposure Compensation Act
21 Amendments of 2017 shall not be applied to the lim-
22 itation under the preceding sentence.

23 “(2) **PREVIOUSLY SUCCESSFUL CLAIMS.**—

24 “(A) **IN GENERAL.**—After the date of en-
25 actment of the Radiation Exposure Compensa-

1 tion Act Amendments of 2017, any claimant
2 who received compensation under this Act may
3 submit a request to the Attorney General for
4 additional compensation and benefits. Such re-
5 quest shall contain—

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

8 “(ii) the amount of award received
9 under this Act before the date of enact-
10 ment of the Radiation Exposure Com-
11 pensation Act Amendments of 2017;

12 “(iii) any additional benefits and com-
13 pensation sought through such request;
14 and

15 “(iv) any additional information re-
16 quired by the Attorney General.

17 “(B) ADDITIONAL COMPENSATION.—If the
18 claimant received compensation under this Act
19 before the date of enactment of the Radiation
20 Exposure Compensation Act Amendments of
21 2017 and submits a request under subpara-
22 graph (A), the Attorney General shall—

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

1 “(I) the amount the claimant is
2 eligible to receive under this Act (as
3 amended by the Radiation Exposure
4 Compensation Act Amendments of
5 2017); minus

6 “(II) the aggregate amount paid
7 to the claimant under this Act before
8 the date of enactment of the Radi-
9 ation Exposure Compensation Act
10 Amendments of 2017; and

11 “(ii) in any case in which the claimant
12 was compensated under section 4, provide
13 the claimant with medical benefits under
14 section 4(a)(5).”.

15 **SEC. 8. ATTORNEYS FEES.**

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

18 **SEC. 9. GRANT PROGRAM ON EPIDEMIOLOGICAL IMPACTS**

19 **OF URANIUM MINING AND MILLING.**

20 (a) DEFINITIONS.—In this section—

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

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

1 (3) the term “Secretary” means the Secretary
2 of Health and Human Services.

3 (b) ESTABLISHMENT.—The Secretary shall establish
4 a grant program relating to the epidemiological impacts
5 of uranium mining and milling. Grants awarded under the
6 program shall be used for the study of the epidemiological
7 impacts of uranium mining and milling among non-occu-
8 pationally exposed individuals, including family members
9 of uranium miners and millers.

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

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

20 (e) AUTHORIZATION OF APPROPRIATIONS.—There
21 are authorized to be appropriated to carry out this section
22 \$3,000,000 for each of fiscal years 2017 through 2021.

1 **SEC. 10. ENERGY EMPLOYEES OCCUPATIONAL ILLNESS**
2 **COMPENSATION PROGRAM.**

3 (a) COVERED EMPLOYEES WITH CANCER.—Section
4 3621(9) of the Energy Employees Occupational Illness
5 Compensation Program Act of 2000 (42 U.S.C. 73841(9))
6 is amended by striking subparagraph (A) and inserting
7 the following:

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

11 “(i) that individual contracted that
12 specified cancer after beginning employ-
13 ment at a Department of Energy facility
14 (in the case of a Department of Energy
15 employee or Department of Energy con-
16 tractor employee) or at an atomic weapons
17 employer facility (in the case of an atomic
18 weapons employee); or

19 “(ii) that individual—

20 “(I) contracted that specified
21 cancer after beginning employment in
22 a uranium mine or uranium mill de-
23 scribed under section 5(a)(1)(A)(i) of
24 the Radiation Exposure Compensation
25 Act (42 U.S.C. 2210 note) (including
26 any individual who was employed in

1 core drilling or the transport of ura-
2 nium ore or vanadium-uranium ore
3 from such mine or mill) located in
4 Colorado, New Mexico, Arizona, Wyo-
5 ming, South Dakota, Washington,
6 Utah, Idaho, North Dakota, Oregon,
7 Texas, or any State the Attorney Gen-
8 eral makes a determination under sec-
9 tion 5(a)(2) of that Act for inclusion
10 of eligibility under section 5(a)(1) of
11 that Act; and

12 “(II) was employed in a uranium
13 mine or uranium mill described under
14 subclause (I) (including any individual
15 who was employed in core drilling or
16 the transport of uranium ore or vana-
17 dium-uranium ore from such mine or
18 mill) at any time during the period
19 beginning on January 1, 1942, and
20 ending on December 31, 1990.”.

21 (b) MEMBERS OF SPECIAL EXPOSURE COHORT.—
22 Section 3626 of the Energy Employees Occupational Ill-
23 ness Compensation Program Act of 2000 (42 U.S.C.
24 7384q) is amended—

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

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

6 “(A) at any Department of Energy facility
7 who likely were exposed to radiation at that fa-
8 cility but for whom it is not feasible to estimate
9 with sufficient accuracy the radiation dose they
10 received; or

11 “(B) employed in a uranium mine or ura-
12 nium mill described under section 5(a)(1)(A)(i)
13 of the Radiation Exposure Compensation Act
14 (42 U.S.C. 2210 note) (including any individual
15 who was employed in core drilling or the trans-
16 port of uranium ore or vanadium-uranium ore
17 from such mine or mill) located in Colorado,
18 New Mexico, Arizona, Wyoming, South Dakota,
19 Washington, Utah, Idaho, North Dakota, Or-
20 egon, Texas, and any State the Attorney Gen-
21 eral makes a determination under section
22 5(a)(2) of that Act for inclusion of eligibility
23 under section 5(a)(1) of that Act, at any time
24 during the period beginning on January 1,
25 1942, and ending on December 31, 1990, who

1 likely were exposed to radiation at that mine or
2 mill but for whom it is not feasible to estimate
3 with sufficient accuracy the radiation dose they
4 received.”; and

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

7 “(b) DESIGNATION OF ADDITIONAL MEMBERS.—

8 “(1) Subject to the provisions of section
9 3621(14)(C), the members of a class of employees at
10 a Department of Energy facility, or at an atomic
11 weapons employer facility, may be treated as mem-
12 bers of the Special Exposure Cohort for purposes of
13 the compensation program if the President, upon
14 recommendation of the Advisory Board on Radiation
15 and Worker Health, determines that—

16 “(A) it is not feasible to estimate with suf-
17 ficient accuracy the radiation dose that the
18 class received; and

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

22 “(2) Subject to the provisions of section
23 3621(14)(C), the members of a class of employees
24 employed in a uranium mine or uranium mill de-
25 scribed under section 5(a)(1)(A)(i) of the Radiation

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

17 “(A) it is not feasible to estimate with suf-
18 ficient accuracy the radiation dose that the
19 class received; and

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

○