

RESOLUTION OF THE  
NAABIK'ÍYÁTI' STANDING COMMITTEE  
25<sup>th</sup> NAVAJO NATION COUNCIL -- First Year, 2023

AN ACTION RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE; SUPPORTING UNITED STATES SENATE BILL S. 1751 AND HOUSE BILL H.R. 4426, RADIATION EXPOSURE COMPENSATION ACT AMENDMENTS OF 2023

WHEREAS:

- A. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C. § 102(A).
- B. The Navajo Nation Council established the Naabik'íyáti' Committee as a Navajo Nation Council standing committee and empowered the Naabik'íyáti' Committee to coordinate all requests for information, appearances and testimony relating to proposed county, state and federal legislation impacting the Navajo Nation. 2 N.N.C. §§ 700(A), 701(A)(6).
- C. The Navajo Nation has a government-to-government relationship with the United States government.
- D. The Radiation Exposure Compensation Act (Public Law 101-426), signed into law on October 15, 1990, and subsequently amended, provided one-time compensation to individuals impacted by America's uranium industry and nuclear development program, including individuals residing or working in certain counties downwind of the Nevada Test Site, workers participating in atmospheric nuclear weapons tests, and uranium miners, millers, and ore transporters.
- E. With roughly half of all uranium mined in the United States in the 20th century coming from the Navajo Nation, the uranium mining industry has disproportionately affected Navajo citizens, resulting in widespread health, environmental, and economic consequences for our communities.
- F. Existing law limits claims for uranium mine workers to those employed before 1971, even though uranium mines continued to operate on the Navajo Nation throughout the 1980s, and the industry continued to provide the United States with fuel for atomic energy production and the mines remained a national security asset of the highest importance after 1971.
- G. The Radiation Exposure Compensation Act excludes core drillers from the eligible employment categories, even though core

drillers identify uranium deposits and obtain samples which are key to assess the quality of the heavy metal, and many were exposed to dust and radiation in the performance of their work and suffered serious disease and death as a result.

- H. The current Radiation Exposure Compensation Act is set to expire in July 2024, but eligible illnesses from radiation exposure can take decades to manifest. More time is needed to ensure all eligible recipients have an opportunity to apply for compensation.
- I. Exposure to even low dose radiation—which all individuals employed on the uranium industry encountered—is associated with kidney disease and increased morbidity; yet, under existing law, only millers and transporters may submit claims based on kidney disease, no other employment categories may do so.
- J. Standard movement between covered positions should not result in a higher standard of time for an individual to qualify for RECA benefits. Department of Justice policy allows for certain combined work history exceptions, but the policy is not codified.
- K. Currently compensation is only granted to those downwind of the Nevada test site in several specified counties in Utah, Arizona, and Nevada. Yet, tests were conducted at the Trinity site in New Mexico, which also impacted Navajo citizens.
- L. Compensation under the Radiation Exposure Compensation Act has not changed since it was set in 1990, despite inflation, and only allows medical benefit claims for miners, millers, and ore transporters.
- M. While there has been research demonstrating the impacts on the health of families of uranium workers and residents of uranium development communities, there has been no comprehensive look at the epidemiological impact of uranium development on these and other groups.
- N. For the reasons stated above, it is in the best interest of the Navajo Nation to support amendments to Radiation Exposure Compensation Act in order to expand eligibility for compensation to uranium mine workers employed from 1971 to 1990 and core driller, extend the program to 2040 to allow time for eligible individuals to apply, expand eligibility for kidney disease to all categories of eligible impacted individuals, provide for combined work histories to demonstrate

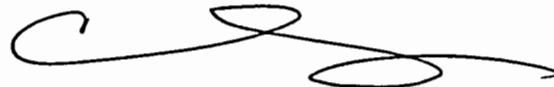
eligibility, expand the areas eligible for compensation as downwinders, to increase the compensation amounts to account for inflation, and to provide for a study on the epidemiological impact of uranium development on currently ineligible groups including family members.

**THEREFORE, BE IT RESOLVED:**

- A. The Navajo Nation hereby Supports United States Senate Bill S. 1751 and House Bill H.R. 4426, Radiation Exposure Compensation Act Amendments of 2023, attached herein as Exhibits A and B.
- B. The Navajo Nation hereby authorizes the Speaker of the Navajo Nation Council, President of the Navajo Nation, and their designees, to advocate the Navajo Nation's support of Senate Bill S. 1751 and House Bill H.R. 4426.

**CERTIFICATION**

I, hereby certify that the foregoing resolution was duly considered by the Naabik'íyáti' Committee of the 25<sup>th</sup> Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona), at which a quorum was present and that the same was passed by a vote of 19 in Favor, and 00 Opposed, on this 12<sup>th</sup> day of October 2023.



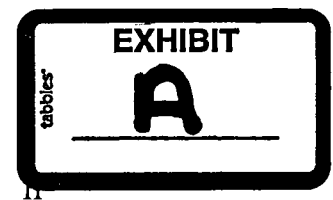
Honorable Crystalyne Curley, Chairwoman  
Naabik'íyáti' Committee

10/17/23

Date

Motion: Honorable Vince R. James  
Second: Honorable Curtis Yanito

Chairwoman Crystalyne Curley not voting



118TH CONGRESS  
1ST SESSION

# S. 1751

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

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## IN THE SENATE OF THE UNITED STATES

MAY 18, 2023

Mr. LUJÁN (for himself, Mr. CRAPO, Mr. BOOKER, Mr. BROWN, Mr. HEINRICH, Mr. HICKENLOOPER, Mr. KELLY, Mr. MERKLEY, Ms. ROSEN, Ms. SMITH, Mr. TESTER, Mr. WYDEN, Mr. RISCH, Ms. SINEMA, and Mr. BENNET) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## 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 2023”.

6 **SEC. 2. REFERENCES.**

7 Except as otherwise specifically provided, whenever in  
8 this Act an amendment or repeal is expressed in terms

1 of an amendment to or repeal of a section or other provi-  
2 sion of law, the reference shall be considered to be made  
3 to a section or other provision of the Radiation Exposure  
4 Compensation Act (Public Law 101–426; 42 U.S.C. 2210  
5 note).

6 **SEC. 3. EXTENSION OF FUND.**

7 Section 3(d) is amended—

8 (1) by striking the first sentence and inserting  
9 “The Fund shall terminate 19 years after the date  
10 of the enactment of the Radiation Exposure Com-  
11 pensation Act Amendments of 2023.”; and

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

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

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

18 (1) in clause (i)—

19 (A) in subclause (I), by striking “October  
20 31, 1958” and inserting “November 6, 1962”;

21 (B) in subclause (II)—

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

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

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

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

5 “(III) was physically present in an af-  
6 fected area for a period of at least 1 year  
7 during the period beginning on September  
8 24, 1944, and ending on November 6,  
9 1962;

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

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

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

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

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

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

5 (2) by striking subparagraph (B) and inserting  
6 the following:

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

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

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

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

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

20 (1) in subparagraph (A)—

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

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

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

3 (2) in subparagraph (B)—

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

6 (B) by striking “or” at the end;

7 (3) by redesignating subparagraph (C) as sub-  
8 paragraph (E); and

9 (4) by inserting after subparagraph (B) the fol-  
10 lowing:

11 “(C) was physically present in an affected  
12 area for a period of at least 1 year during the  
13 period beginning on September 24, 1944, and  
14 ending on November 6, 1962;

15 “(D) was physically present in an affected  
16 area—

17 “(i) for a period of at least 1 year  
18 during the period beginning on July 1,  
19 1946, and ending on November 6, 1962; or

20 “(ii) for the period beginning on April  
21 25, 1962, and ending on November 6,  
22 1962; or”.

23 (e) AMOUNTS FOR CLAIMS RELATED TO SPECIFIED  
24 DISEASES.—Section 4(a)(2) is amended in the matter fol-  
25 lowing subparagraph (E) (as redesignated by subsection



1 (d) of this section) by striking “\$50,000 (in the case of  
 2 an individual described in subparagraph (A) or (B)) or  
 3 \$75,000 (in the case of an individual described in subpara-  
 4 graph (C)),” and inserting “\$150,000”.

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

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

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

16 “(1) ‘affected area’ means—

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

21 “(B) with respect to a claim by an indi-  
 22 vidual under subsection (a)(1)(A)(i)(III) or sub-  
 23 section (a)(2)(C), only New Mexico; and

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

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

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

9           (a) EMPLOYEES OF MINES AND MILLS.—Section  
 10 5(a)(1)(A)(i) is amended—

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

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

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

15                               “(II) was employed as a core driller in  
 16                               a State referred to in subclause (I) during  
 17                               the period described in such subclause;  
 18                               and”.

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

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

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

3           (2) by inserting “, or was involved in remedi-  
4       ation efforts at such a uranium mine or uranium  
5       mill,” after “ore transporter”;

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

7           (4) by striking all that follows “nonmalignant  
8       respiratory disease” and inserting “or renal cancer  
9       or any other chronic renal disease, including nephri-  
10      tis and kidney tubal tissue injury; or”.

11       (d)    COMBINED    WORK    HISTORIES.—Section  
12   5(a)(1)(A)(ii) is further amended—

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

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

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

18                   “(bb) worked, during the period de-  
19                   scribed in clause (i)(I), in two or more of  
20                   the following positions: miner, miller, core  
21                   driller, and ore transporter;

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

24                   “(dd) submits written medical docu-  
25                   mentation that the individual developed

1 lung cancer or a nonmalignant respiratory  
2 disease or renal cancer or any other chron-  
3 ic renal disease, including nephritis and  
4 kidney tubal tissue injury after exposure to  
5 radiation through work in one or more of  
6 the positions referred to in item (bb);”.

7 (e) DATES OF OPERATION OF URANIUM MINE.—Sec-  
8 tion 5(a)(2)(A) is amended by striking “December 31,  
9 1971” and inserting “December 31, 1990”.

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

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

21 “(5) SPECIAL RULE RELATING TO COMBINED  
22 WORK HISTORIES FOR MINERS.—An individual  
23 meets the requirements of this paragraph if the indi-  
24 vidual, during the period described in paragraph  
25 (1)(A)(i)(I), worked as a miner and was exposed to

1 such number of working level months that the Attor-  
 2 ney General determines, when combined with the ex-  
 3 posure of such individual to radiation through work  
 4 as a miller, core driller, or ore transporter during  
 5 the period described in paragraph (1)(A)(i)(I), re-  
 6 sults in such individual being exposed to a total level  
 7 of radiation that is greater or equal to the level of  
 8 exposure of an individual described in paragraph  
 9 (4).”.

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

12 (1) by striking “and” at the end of paragraph  
 13 (7);

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

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

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

22 **SEC. 6. EXPANSION OF USE OF AFFIDAVITS IN DETERMINA-**  
 23 **TION OF CLAIMS; REGULATIONS.**

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

1           “(3) AFFIDAVITS.—

2                   “(A) EMPLOYMENT HISTORY.—For pur-  
3           poses of this Act, the Attorney General shall ac-  
4           cept a written affidavit or declaration as evi-  
5           dence to substantiate the employment history of  
6           an individual as a miner, miller, core driller, or  
7           ore transporter if the affidavit—

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

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

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

24                  “(i) is provided in addition to other  
25          material that may be used to substantiate

1 the individual's presence in an affected  
2 area during that time period;

3 "(ii) attests to the individual's pres-  
4 ence in an affected area during that pe-  
5 riod;

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 "(C) PARTICIPATION AT TESTING SITE.—

11 For purposes of this Act, the Attorney General  
12 shall accept a written affidavit or declaration as  
13 evidence to substantiate an individual's partici-  
14 pation onsite in a test involving the atmospheric  
15 detonation of a nuclear device if the affidavit—

16 "(i) is provided in addition to other  
17 material that may be used to substantiate  
18 the individual's participation onsite in a  
19 test involving the atmospheric detonation  
20 of a nuclear device;

21 "(ii) attests to the individual's partici-  
22 pation onsite in a test involving the atmos-  
23 pheric detonation of a nuclear device;

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 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

4 Section 6 is amended—

5 (1) in subsection (b)(2)(C), by striking “section  
6 4(a)(2)(C)” and inserting “section 4(a)(2)(E)”;

7 (2) in subsection (c)(2)—

8 (A) in subparagraph (A)—

9 (i) in the matter preceding clause (i),  
10 by striking “subsection (a)(1), (a)(2)(A),  
11 or (a)(2)(B) of section 4” and inserting  
12 “subsection (a)(1), (a)(2)(A), (a)(2)(B),  
13 (a)(2)(C), or (a)(2)(D) of section 4”; and

14 (ii) in clause (i), by striking “sub-  
15 section (a)(1), (a)(2)(A), or (a)(2)(B) of  
16 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 (B) in subparagraph (B), by striking “sec-  
20 tion 4(a)(2)(C)” and inserting “section  
21 4(a)(2)(E)”;

22 (3) in subsection (e), by striking “subsection  
23 (a)(1), (a)(2)(A), or (a)(2)(B) of section 4” and in-  
24 serting “subsection (a)(1), (a)(2)(A), (a)(2)(B),  
25 (a)(2)(C), or (a)(2)(D) of section 4”.



1 (c) REGULATIONS.—

2 (1) IN GENERAL.—Section 6(k) is amended by  
3 adding at the end the following: “Not later than 180  
4 days after the date of enactment of the Radiation  
5 Exposure Compensation Act Amendments of 2023,  
6 the Attorney General shall issue revised regulations  
7 to carry out this Act.”.

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

22 **SEC. 7. LIMITATION ON CLAIMS.**

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

1           (1) by striking “2 years” and inserting “19  
2       years”; and

3           (2) by striking “2022” and inserting “2023”.

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

6       “(b) RESUBMITTAL OF CLAIMS.—

7           “(1) DENIED CLAIMS.—After the date of enact-  
8       ment of the Radiation Exposure Compensation Act  
9       Amendments of 2023, any claimant who has been  
10      denied compensation under this Act may resubmit a  
11      claim for consideration by the Attorney General in  
12      accordance with this Act not more than three times.  
13      Any resubmittal made before the date of the enact-  
14      ment of the Radiation Exposure Compensation Act  
15      Amendments of 2023 shall not be applied to the lim-  
16      itation under the preceding sentence.

17       “(2) PREVIOUSLY SUCCESSFUL CLAIMS.—

18           “(A) IN GENERAL.—After the date of en-  
19      actment of the Radiation Exposure Compensa-  
20      tion Act Amendments of 2023, any claimant  
21      who received compensation under this Act may  
22      submit a request to the Attorney General for  
23      additional compensation and benefits. Such re-  
24      quest shall contain—

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

3 “(ii) the amount of award received  
4 under this Act before the date of enact-  
5 ment of the Radiation Exposure Com-  
6 pensation Act Amendments of 2023;

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

10 “(iv) any additional information re-  
11 quired by the Attorney General.

12 “(B) ADDITIONAL COMPENSATION.—If the  
13 claimant received compensation under this Act  
14 before the date of enactment of the Radiation  
15 Exposure Compensation Act Amendments of  
16 2023 and submits a request under subpara-  
17 graph (A), the Attorney General shall—

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

20 “(I) the amount the claimant is  
21 eligible to receive under this Act (as  
22 amended by the Radiation Exposure  
23 Compensation Act Amendments of  
24 2023); minus

1                   “(II) the aggregate amount paid  
2                   to the claimant under this Act before  
3                   the date of enactment of the Radi-  
4                   ation Exposure Compensation Act  
5                   Amendments of 2023; and

6                   “(ii) in any case in which the claimant  
7                   was compensated under section 4, provide  
8                   the claimant with medical benefits under  
9                   section 4(a)(5).”.

10 **SEC. 8. GRANT PROGRAM ON EPIDEMIOLOGICAL IMPACTS**  
11 **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 2024 through 2026.

16 **SEC. 9. 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; and

“(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



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.”.

○



118TH CONGRESS  
1ST SESSION

# H. R. 4426

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

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 30, 2023

Ms. LEGER FERNANDEZ (for herself, Mr. MOYLAN, Ms. BARRAGÁN, Ms. BLUNT ROCHESTER, Mr. CARSON, Ms. CHU, Mr. GARAMENDI, Mr. GRIJALVA, Mr. JOHNSON of Georgia, Mr. KILMER, Ms. LEE of California, Ms. LOFGREN, Mrs. MCBATH, Ms. OMAR, Ms. PETTERSEN, Ms. ROSS, Ms. SCANLON, Mr. SMITH of Washington, Ms. STANSBURY, Mr. STANTON, Mr. TAKANO, Ms. TITUS, Ms. TLAIB, Mr. TONKO, Mr. WEBER of Texas, Ms. WILLIAMS of Georgia, Mr. VASQUEZ, and Mr. FULCHER) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on Energy and Commerce, and Education and the Workforce, 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

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## 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 2023”.

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 2023.”; and

15 (2) by striking “2-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 AT THE NEVADA SITE AND**  
20 **IN THE PACIFIC.**—Section 4(a)(1)(A) is amended—

21 (1) in clause (i)—

22 (A) in subclause (I), by striking “October  
23 31, 1958” and inserting “November 6, 1962”;

24 (B) in subclause (II)—

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

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

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

5 (D) by inserting after subclause (II) the  
6 following:

7 “(III) was physically present in an af-  
8 fected area for a period of at least 1 year  
9 during the period beginning on September  
10 24, 1944, and ending on November 6,  
11 1962;

12 “(IV) was physically present in an af-  
13 fected area—

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

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

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

1 clause (I), (II), (III), or (IV) of clause (i) or onsite  
2 participation described in clause (i)(V)’’.

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

5 (1) in subparagraph (A), by striking ‘‘an  
6 amount’’ and inserting ‘‘the amount’’; and

7 (2) by striking subparagraph (B) and inserting  
8 the following:

9 ‘‘(B) AMOUNT.—If the conditions de-  
10 scribed in subparagraph (C) are met, an indi-  
11 vidual who is described in subparagraph (A)  
12 shall receive \$150,000.’’.

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

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

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

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

22 (1) in subparagraph (A)—

23 (A) by striking ‘‘in the affected area’’ and  
24 inserting ‘‘in an affected area’’;

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

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

5 (2) in subparagraph (B)—

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

8 (B) by striking “or” at the end;

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

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

13 “(C) was physically present in an affected  
14 area for a period of at least 1 year during the  
15 period beginning on September 24, 1944, and  
16 ending on November 6, 1962;

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

19 “(i) for a period of at least 1 year  
20 during the period beginning on July 1,  
21 1946, and ending on November 6, 1962; or

22 “(ii) for the period beginning on April  
23 25, 1962, and ending on November 6,  
24 1962; or”.

1 (e) AMOUNTS FOR CLAIMS RELATED TO SPECIFIED  
2 DISEASES.—Section 4(a)(2) is amended in the matter fol-  
3 lowing subparagraph (E) (as redesignated by subsection  
4 (d) of this section) by striking “\$50,000 (in the case of  
5 an individual described in subparagraph (A) or (B)) or  
6 \$75,000 (in the case of an individual described in subpara-  
7 graph (C)),” and inserting “\$150,000”.

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

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

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

19 “(1) ‘affected area’ means—

20 “(A) except as provided under subpara-  
21 graphs (B) and (C), Arizona, Colorado, Idaho,  
22 Montana, Nevada, New Mexico, Utah, and  
23 Guam;



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

4 “(C) with respect to a claim by an indi-  
 5 vidual under subsection (a)(1)(A)(i)(IV) or sub-  
 6 section (a)(2)(D), only Guam.”.

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

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

12 (a) EMPLOYEES OF MINES AND MILLS.—Section  
 13 5(a)(1)(A)(i) is amended—

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

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

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

18 “(II) was employed as a core driller in  
 19 a State referred to in subclause (I) during  
 20 the period described in such subclause;  
 21 and”.

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

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

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

5 (2) by inserting “, or was involved in remedi-  
6 ation efforts at such a uranium mine or uranium  
7 mill,” after “ore transporter”;

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

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

13 (d) COMBINED WORK HISTORIES.—Section  
14 5(a)(1)(A)(ii) is further amended—

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

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

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

20 “(bb) worked, during the period de-  
21 scribed in clause (i)(I), in two or more of  
22 the following positions: miner, miller, core  
23 driller, and ore transporter;

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

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

9           (e) DATES OF OPERATION OF URANIUM MINE.—Sec-  
10   tion 5(a)(2)(A) is amended by striking “December 31,  
11   1971” and inserting “December 31, 1990”.

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

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

23                   “(5) SPECIAL RULE RELATING TO COMBINED  
24                   WORK HISTORIES FOR MINERS.—An individual  
25                   meets the requirements of this paragraph if the indi-

1       vidual, during the period described in paragraph  
2       (1)(A)(i)(I), worked as a miner and was exposed to  
3       such number of working level months that the Attor-  
4       ney General determines, when combined with the ex-  
5       posure of such individual to radiation through work  
6       as a miller, core driller, or ore transporter during  
7       the period described in paragraph (1)(A)(i)(I), re-  
8       sults in such individual being exposed to a total level  
9       of radiation that is greater or equal to the level of  
10      exposure of an individual described in paragraph  
11      (4).”.

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

14               (1) by striking “and” at the end of paragraph  
15      (7);

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

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

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

1 **SEC. 6. EXPANSION OF USE OF AFFIDAVITS IN DETERMINA-**  
2 **TION OF CLAIMS; REGULATIONS.**

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

5 “(3) **AFFIDAVITS.**—

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

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

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

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) **PHYSICAL PRESENCE IN AFFECTED**  
22 **AREA.**—For purposes of this Act, the Attorney  
23 General shall accept a written affidavit or dec-  
24 laration as evidence to substantiate an individ-  
25 ual’s physical presence in an affected area dur-

1           ing a period described in section 4(a)(1)(A)(i)  
2           or section 4(a)(2) if the affidavit—

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

7                 “(ii) attests to the individual’s pres-  
8                 ence in an affected area during that pe-  
9                 riod;

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

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

14                “(C) PARTICIPATION AT TESTING SITE.—

15           For purposes of this Act, the Attorney General  
16           shall accept a written affidavit or declaration as  
17           evidence to substantiate an individual’s partici-  
18           pation onsite in a test involving the atmospheric  
19           detonation of a nuclear device if the affidavit—

20                “(i) is provided in addition to other  
21                material that may be used to substantiate  
22                the individual’s participation onsite in a  
23                test involving the atmospheric detonation  
24                of a nuclear device;

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

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

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

8 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

9 Section 6 is amended—

10 (1) in subsection (b)(2)(C), by striking “section  
11 4(a)(2)(C)” and inserting “section 4(a)(2)(E)”;

12 (2) in subsection (c)(2)—

13 (A) in subparagraph (A)—

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

4 (3) in subsection (e), by striking “subsection  
5 (a)(1), (a)(2)(A), or (a)(2)(B) of section 4” and in-  
6 serting “subsection (a)(1), (a)(2)(A), (a)(2)(B),  
7 (a)(2)(C), or (a)(2)(D) of section 4”.

8 (c) REGULATIONS.—

9 (1) IN GENERAL.—Section 6(k) is amended by  
10 adding at the end the following: “Not later than 180  
11 days after the date of enactment of the Radiation  
12 Exposure Compensation Act Amendments of 2023,  
13 the Attorney General shall issue revised regulations  
14 to carry out this Act.”.

15 (2) CONSIDERATIONS IN REVISIONS.—In  
16 issuing revised regulations under section 6(k) of the  
17 Radiation Exposure Compensation Act (Public Law  
18 101–426; 42 U.S.C. 2210 note), as amended under  
19 paragraph (1), the Attorney General shall ensure  
20 that procedures with respect to the submission and  
21 processing of claims under such Act take into ac-  
22 count and make allowances for the law, tradition,  
23 and customs of Indian tribes, including by accepting  
24 as a record of proof of physical presence for a claim-  
25 ant a grazing permit, a homesite lease, a record of



1 being a holder of a post office box, a letter from an  
2 elected leader of an Indian tribe, or a record of any  
3 recognized tribal association or organization.

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

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

7 (1) by striking “2 years” and inserting “19  
8 years”; and

9 (2) by striking “2022” and inserting “2023”.

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 2023, 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 2023 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-

tion Act Amendments of 2023, 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 2023;

“(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 2023 and submits a request under subparagraph (A), the Attorney General shall—

“(i) pay the claimant the amount that 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 2023); 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 2023; 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. GRANT PROGRAM ON EPIDEMIOLOGICAL IMPACTS**  
16 **OF URANIUM MINING AND MILLING.**

17 (a) **DEFINITIONS.**—In this section—

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

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

23 (3) the term “Secretary” means the Secretary  
24 of Health and Human Services.

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

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

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

18 (e) AUTHORIZATION OF APPROPRIATIONS.—There  
19 are authorized to be appropriated to carry out this section  
20 \$3,000,000 for each of fiscal years 2024 through 2026.

21 **SEC. 9. ENERGY EMPLOYEES OCCUPATIONAL ILLNESS**  
22 **COMPENSATION PROGRAM.**

23 (a) COVERED EMPLOYEES WITH CANCER.—Section  
24 3621(9) of the Energy Employees Occupational Illness  
25 Compensation Program Act of 2000 (42 U.S.C. 7384l(9))

1 is amended by striking subparagraph (A) and inserting  
2 the following:

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

6                   “(i) that individual contracted that  
7                   specified cancer after beginning employ-  
8                   ment at a Department of Energy facility  
9                   (in the case of a Department of Energy  
10                  employee or Department of Energy con-  
11                  tractor employee) or at an atomic weapons  
12                  employer facility (in the case of an atomic  
13                  weapons employee); or

14                  “(ii) that individual—

15                   “(I) contracted that specified  
16                   cancer after beginning employment in  
17                   a uranium mine or uranium mill de-  
18                   scribed under section 5(a)(1)(A)(i) of  
19                   the Radiation Exposure Compensation  
20                   Act (42 U.S.C. 2210 note) (including  
21                   any individual who was employed in  
22                   core drilling or the transport of ura-  
23                   nium ore or vanadium-uranium ore  
24                   from such mine or mill) located in  
25                   Colorado, New Mexico, Arizona, Wyo-

1                    ming, South Dakota, Washington,  
2                    Utah, Idaho, North Dakota, Oregon,  
3                    Texas, or any State the Attorney Gen-  
4                    eral makes a determination under sec-  
5                    tion 5(a)(2) of that Act for inclusion  
6                    of eligibility under section 5(a)(1) of  
7                    that Act; and

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

17            (b) MEMBERS OF SPECIAL EXPOSURE COHORT.—

18            Section 3626 of the Energy Employees Occupational Ill-  
19            ness Compensation Program Act of 2000 (42 U.S.C.  
20            7384q) is amended—

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

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

1           “(A) at any Department of Energy facility  
2           who likely were exposed to radiation at that fa-  
3           cility but for whom it is not feasible to estimate  
4           with sufficient accuracy the radiation dose they  
5           received; and

6           “(B) employed in a uranium mine or ura-  
7           nium mill described under section 5(a)(1)(A)(i)  
8           of the Radiation Exposure Compensation Act  
9           (42 U.S.C. 2210 note) (including any individual  
10          who was employed in core drilling or the trans-  
11          port of uranium ore or vanadium-uranium ore  
12          from such mine or mill) located in Colorado,  
13          New Mexico, Arizona, Wyoming, South Dakota,  
14          Washington, Utah, Idaho, North Dakota, Or-  
15          egon, Texas, and any State the Attorney Gen-  
16          eral makes a determination under section  
17          5(a)(2) of that Act for inclusion of eligibility  
18          under section 5(a)(1) of that Act, at any time  
19          during the period beginning on January 1,  
20          1942, and ending on December 31, 1990, who  
21          likely were exposed to radiation at that mine or  
22          mill but for whom it is not feasible to estimate  
23          with sufficient accuracy the radiation dose they  
24          received.”; and

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

3           “(b) DESIGNATION OF ADDITIONAL MEMBERS.—

4           “(1) Subject to the provisions of section  
5 3621(14)(C), the members of a class of employees at  
6 a Department of Energy facility, or at an atomic  
7 weapons employer facility, may be treated as mem-  
8 bers of the Special Exposure Cohort for purposes of  
9 the compensation program if the President, upon  
10 recommendation of the Advisory Board on Radiation  
11 and Worker Health, determines that—

12           “(A) it is not feasible to estimate with suf-  
13 ficient accuracy the radiation dose that the  
14 class received; and

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

18           “(2) Subject to the provisions of section  
19 3621(14)(C), the members of a class of employees  
20 employed in a uranium mine or uranium mill de-  
21 scribed under section 5(a)(1)(A)(i) of the Radiation  
22 Exposure Compensation Act (42 U.S.C. 2210 note)  
23 (including any individual who was employed in core  
24 drilling or the transport of uranium ore or vana-  
25 dium-uranium ore from such mine or mill) located in



1 Colorado, New Mexico, Arizona, Wyoming, South  
2 Dakota, Washington, Utah, Idaho, North Dakota,  
3 Oregon, Texas, and any State the Attorney General  
4 makes a determination under section 5(a)(2) of that  
5 Act for inclusion of eligibility under section 5(a)(1)  
6 of that Act, at any time during the period beginning  
7 on January 1, 1942, and ending on December 31,  
8 1990, may be treated as members of the Special Ex-  
9 posure Cohort for purposes of the compensation pro-  
10 gram if the President, upon recommendation of the  
11 Advisory Board on Radiation and Worker Health,  
12 determines that—

13 “(A) it is not feasible to estimate with suf-  
14 ficient accuracy the radiation dose that the  
15 class received; and

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

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## NAVAJO NATION

Naa'bik'iyati' Committee Regular Meeting

10/12/2023  
11:41:26 AM

Amd# to Amd#	New Business: [CONSENT AGENDA]
MOT James, V	0226-23;0229-23;0233-23;0237-23
SEC Yanito, C	0216-23;0220-23;0225-23;0228-23
	0235-23;0236-23;0202-23. . . .

PASSED

Yeas : 19

Nays : 0

Excused : 3

Not Voting : 1

## Yea : 19

Arviso, S	Claw, S	Nez, R	Tolth, G
Aseret, L	Crotty, A	Notah, N	Tso, O
Begay, H	James, V	Simonson, G	Yanito, C
Begay, N	Johnson, C	Simpson, D	Yazzie, C
Charles-Newton, E	Nez, A	Slater, C	

## Nay : 0

## Excused : 3

Daniels, H	Parrish, S	Jesus, B
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## Not Voting : 1

Damon, S

Presiding Speaker: Curley, C