

117TH CONGRESS
1ST SESSION

H. R. 5338

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

SEPTEMBER 22, 2021

Ms. LEGER FERNANDEZ (for herself, Mr. OWENS, Mr. MCGOVERN, Mr. VARGAS, Ms. NORTON, Mr. HORSFORD, Mr. O'HALLERAN, Ms. TITUS, Mr. STANTON, Ms. LEE of California, Ms. WILD, Ms. DELBENE, Mr. BLUMENAUER, Ms. HERRELL, Mr. SAN NICOLAS, and Mr. KILMER) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on Education and Labor, 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 2021”.

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 2021.”; 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 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; or

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; or

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)”;

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 2021,
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 “22 years” and inserting “19
8 years”; and

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

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 2021, 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 2021 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 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 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 2021 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 2021); 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 2021; 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 2022 through 2024.

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.”.

○