AMENDMENT NO._______  Calendar No._______

Purpose: To extend the period for filing claims under the Radiation Exposure Compensation Act and to provide for compensation under such Act for claims relating to Manhattan Project waste, and to improve compensation for workers involved in uranium mining.


S. 2226

To authorize appropriations for fiscal year 2024 for military purposes, for military personnel, and for other purposes.

By:  _____________________________  To:  _________________
        HAWLEY                        S. 2226

Viz:

1.  At the end of title X, insert the following:

2.  **Subtitle H—Radiation Exposure Compensation Act**

3.  **PART I—MANHATTAN PROJECT WASTE**

4.  **SEC. 10. CLAIMS RELATING TO MANHATTAN PROJECT WASTE.**

5.  (a) **SHORT TITLE.**—This section may be cited as the

6.  **“Radiation Exposure Compensation Expansion Act”**.
(b) **Claims Relating to Manhattan Project Waste.**—The Radiation Exposure Compensation Act (Public Law 101–426; 42 U.S.C. 2210 note) is amended by inserting after section 5 the following:

"**SEC. 5A. CLAIMS RELATING TO MANHATTAN PROJECT WASTE.**

"(a) In General.—A claimant shall receive compensation for a claim made under this Act, as described in subsection (b) or (e), if—

"(1) a claim for compensation is filed with the Attorney General—

"(A) by an individual described in paragraph (2); or

"(B) on behalf of that individual by an authorized agent of that individual, if the individual is deceased or incapacitated, such as—

"(i) an executor of estate of that individual; or

"(ii) a legal guardian or conservator of that individual;

"(2) that individual, or if applicable, an authorized agent of that individual, demonstrates that the individual—"
“(A) was physically present in an affected area for a period of at least 2 years after January 1, 1949; and

“(B) contracted a specified disease after such period of physical presence;

“(3) the Attorney General certifies that the identity of that individual, and if applicable, the authorized agent of that individual, is not fraudulent or otherwise misrepresented; and

“(4) the Attorney General determines that the claimant has satisfied the applicable requirements of this Act.

“(b) LOSSES AVAILABLE TO LIVING AFFECTED INDIVIDUALS.—

“(1) IN GENERAL.—In the event of a claim qualifying for compensation under subsection (a) that is submitted to the Attorney General to be eligible for compensation under this section at a time when the individual described in subsection (a)(2) is living, the amount of compensation under this section shall be in an amount that is the greater of $50,000 or the total amount of compensation for which the individual is eligible under paragraph (2).

“(2) LOSSES DUE TO MEDICAL EXPENSES.—A claimant described in paragraph (1) shall be eligible
to receive, upon submission of contemporaneous
written medical records, reports, or billing state-
ments created by or at the direction of a licensed
medical professional who provided contemporaneous
medical care to the claimant, additional compensa-
tion in the amount of all documented out-of-pocket
medical expenses incurred as a result of the specified
disease suffered by that claimant, such as any med-
ical expenses not covered, paid for, or reimbursed
through—

“(A) any public or private health insur-
ance;

“(B) any employee health insurance;

“(C) any workers’ compensation program;
or

“(D) any other public, private, or employee
health program or benefit.

“(c) PAYMENTS TO BENEFICIARIES OF DECEASED
INDIVIDUALS.—In the event that an individual described
in subsection (a)(2) who qualifies for compensation under
subsection (a) is deceased at the time of submission of
the claim—

“(1) a surviving spouse may, upon submission
of a claim and records sufficient to satisfy the re-
quirements of subsection (a) with respect to the de-
ceased individual, receive compensation in the amount of $25,000; or

"(2) in the event that there is no surviving spouse, the surviving children, minor or otherwise, of the deceased individual may, upon submission of a claim and records sufficient to satisfy the requirements of subsection (a) with respect to the deceased individual, receive compensation in the total amount of $25,000, paid in equal shares to each surviving child.

"(d) AFFECTED AREA.—For purposes of this section, the term ‘affected area’ means, in the State of Missouri, the ZIP Codes of 63031, 63033, 63034, 63042, 63045, 63074, 63114, 63135, 63138, 63044, 63140, 63145, 63147, 63102, 63304, 63134, 63043, 63341, 63368, and 63367.

"(e) SPECIFIED DISEASE.—For purposes of this section, the term ‘specified disease’ means any of the following:

"(1) Any leukemia, other than chronic lymphocytic leukemia, provided that the initial exposure occurred after the age of 20 and the onset of the disease was at least 2 years after first exposure.
“(2) Any of the following diseases, provided that the onset was at least 2 years after the initial exposure:

“(A) Multiple myeloma.
“(B) Lymphoma, other than Hodgkin’s disease.
“(C) Type 1 or type 2 diabetes.
“(D) Systemic lupus erythematosus.
“(E) Multiple sclerosis.
“(F) Hashimoto’s disease.
“(G) Primary cancer of the—
“(i) thyroid;
“(ii) male or female breast;
“(iii) esophagus;
“(iv) stomach;
“(v) pharynx;
“(vi) small intestine;
“(vii) pancreas;
“(viii) bile ducts;
“(ix) gall bladder;
“(x) salivary gland;
“(xi) urinary bladder;
“(xii) brain;
“(xiii) colon;
“(xiv) ovary;
“(xv) liver, except if cirrhosis or hepatitis B is indicated;
“(xvi) lung;
“(xvii) bone; or
“(xviii) kidney.
“(f) PHYSICAL PRESENCE.—For purposes of this section, the Attorney General shall not determine that a claimant has satisfied the requirements of subsection (a) unless demonstrated by submission of contemporaneous written residential documentation and at least one additional employer-issued or government-issued document or record that the claimant, for a period of at least 2 years after January 1, 1949, was physically present in an affected area.
“(g) DISEASE CONTRACTION IN AFFECTED AREAS.—For purposes of this section, the Attorney General shall not determine that a claimant has satisfied the requirements of subsection (a) unless demonstrated by submission of contemporaneous written medical records or reports created by or at the direction of a licensed medical professional who provided contemporaneous medical care to the claimant, that the claimant, after such period of physical presence, contracted a specified disease.”.
PART II—COMPENSATION FOR WORKERS INVOLVED IN URANIUM MINING

SEC. 10. SHORT TITLE.

This part may be cited as the "Radiation Exposure Compensation Act Amendments of 2023".

SEC. 10. REFERENCES.

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

SEC. 10. EXTENSION OF FUND.

Section 3(d) is amended—

(1) by striking the first sentence and inserting "The Fund shall terminate 19 years after the date of the enactment of the Radiation Exposure Compensation Act Amendments of 2023."; and

(2) by striking "2-year" and inserting "19-year".

SEC. 10. CLAIMS RELATING TO ATMOSPHERIC TESTING.

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

(1) in clause (i)—
(A) in subclause (I), by striking "October 31; 1958" and inserting "November 6, 1962";
(B) in subclause (II)—
   (i) by striking "in the affected area" and inserting "in an affected area"; and
   (ii) by striking "or" after the semi-colon;
(C) by redesignating subclause (III) as subclause (V); and
(D) by inserting after subclause (II) the following:

"(III) was physically present in an affected area for a period of at least 1 year during the period beginning on September 24, 1944, and ending on November 6, 1962;

"(IV) was physically present in an affected area—

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

"(bb) for the period beginning on April 25, 1962, and ending on November 6, 1962; or"; and
(2) in clause (ii)(I), by striking "physical presence described in subclause (I) or (II) of clause (i) or onsite participation described in clause (i)(III)" and inserting "physical presence described in subclause (I), (II), (III), or (IV) of clause (i) or onsite participation described in clause (i)(V)".

(b) AMOUNTS FOR CLAIMS RELATED TO LEUKEMIA.—Section 4(a)(1) is amended—

(1) in subparagraph (A), by striking "an amount" and inserting "the amount"; and

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

"(B) AMOUNT.—If the conditions described in subparagraph (C) are met, an individual who is described in subparagraph (A) shall receive $150,000."

(e) CONDITIONS FOR CLAIMS RELATED TO LEUKEMIA.—Section 4(a)(1)(C) is amended—

(1) by striking clause (i); and

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

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

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

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

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

(2) in subparagraph (B)—

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

(B) by striking “or” at the end;

(3) by redesignating subparagraph (C) as subparagraph (E); and

(4) by inserting after subparagraph (B) the following:

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

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

“(i) for a period of at least 1 year during the period beginning on July 1, 1946, and ending on November 6, 1962; or
“(ii) for the period beginning on April 25, 1962, and ending on November 6, 1962; or”.

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

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

“(5) MEDICAL BENEFITS.—An individual receiving a payment under this section shall be eligible to receive medical benefits in the same manner and to the same extent as an individual eligible to receive medical benefits under section 3629 of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7384t).”

(g) DOWNWIND STATES.—Section 4(b)(1) is amended to read as follows:

“(1) ‘affected area’ means—

“(A) except as provided under subparagraphs (B) and (C), Arizona, Colorado, Idaho,
Montana, Nevada, New Mexico, Utah, and Guam;

"(B) with respect to a claim by an individual under subsection (a)(1)(A)(i)(III) or subsection (a)(2)(C), only New Mexico; and

"(C) with respect to a claim by an individual under subsection (a)(1)(A)(i)(IV) or subsection (a)(2)(D), only Guam."

(h) CHRONIC LYMPHOCYTIC LEUKEMIA AS A SPECIFIED DISEASE.—Section 4(b)(2) is amended by striking "other than chronic lymphocytic leukemia" and inserting "including chronic lymphocytic leukemia".

SEC. 10. CLAIMS RELATING TO URANIUM MINING.

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

(1) by inserting "(I)" after "(i)";

(2) by striking "December 31, 1971; and" and inserting "December 31, 1990; or"; and

(3) by adding at the end the following:

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

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

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

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

(2) by inserting “, or was involved in remediation efforts at such a uranium mine or uranium mill,” after “ore transporter”;

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

(4) by striking all that follows “nonmalignant respiratory disease” and inserting “or renal cancer or any other chronic renal disease, including nephritis and kidney tubal tissue injury; or”.

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

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

and

(2) by adding at the end the following:

“(III)(aa) does not meet the conditions of subclause (I) or (II);

“(bb) worked, during the period described in clause (i)(I), in two or more of the following positions: miner, miller, core driller, and ore transporter;
“(cc) meets the requirements of paragraph (4) or (5), or both; and

“(dd) submits written medical documentation that the individual developed lung cancer or a nonmalignant respiratory disease or renal cancer or any other chronic renal disease, including nephritis and kidney tubal tissue injury after exposure to radiation through work in one or more of the positions referred to in item (bb);’’.

(e) **D**ATES OF O**P**ERATION OF U**R**ANIUM M**I**NE.—**Sec- tion 5(a)(2)(A) is amended by striking “December 31, 1971” and inserting “December 31, 1990”.

(f) **S**PECIAL **R**ULES **R**ELATING TO **C**OMBINED W**O**RK HISTORIES.—Section 5(a) is amended by adding at the end the following:

“(4) **SPECIAL RULE RELATING TO COMBINED WORK HISTORIES FOR INDIVIDUALS WITH AT LEAST ONE YEAR OF EXPERIENCE.—An individual meets the requirements of this paragraph if the individual worked in one or more of the positions referred to in paragraph (1)(A)(ii)(III)(bb) for a period of at least one year during the period described in paragraph (1)(A)(i)(I).
“(5) SPECIAL RULE RELATING TO COMBINED WORK HISTORIES FOR MINERS.—An individual meets the requirements of this paragraph if the individual, during the period described in paragraph (1)(A)(i)(I), worked as a miner and was exposed to such number of working level months that the Attorney General determines, when combined with the exposure of such individual to radiation through work as a miller, core driller, or ore transporter during the period described in paragraph (1)(A)(i)(I), results in such individual being exposed to a total level of radiation that is greater or equal to the level of exposure of an individual described in paragraph (4).”.

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

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

(2) by striking the period at the end of paragraph (8) and inserting “; and”;

(3) by adding at the end the following:

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

SEC. 10. EXPANSION OF USE OF AFFIDAVITS IN DETER-
MINATION OF CLAIMS; REGULATIONS.

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

“(3) AFFIDAVITS.—

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

“(i) is provided in addition to other
material that may be used to substantiate
the employment history of the individual;
“(ii) attests to the employment history
of the individual;
“(iii) is made subject to penalty for
perjury; and
“(iv) is made by a person other than
the individual filing the claim.

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

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

“(ii) attests to the individual’s presence in an affected area during that period;

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

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

“(C) PARTICIPATION AT TESTING SITE.—

For purposes of this Act, the Attorney General shall accept a written affidavit or declaration as evidence to substantiate an individual’s participation onsite in a test involving the atmospheric detonation of a nuclear device if the affidavit—

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

“(ii) attests to the individual’s participation onsite in a test involving the atmospheric detonation of a nuclear device;

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

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

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

Section 6 is amended—

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

(2) in subsection (c)(2)—

(A) in subparagraph (A)—

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

(ii) in clause (i), by striking “subsection (a)(1), (a)(2)(A), or (a)(2)(B) of section 4” and inserting “subsection (a)(1), (a)(2)(A), (a)(2)(B), (a)(2)(C), or (a)(2)(D) of section 4”; and
(B) in subparagraph (B), by striking "section 4(a)(2)(C)" and inserting "section 4(a)(2)(E)"; and

(3) in subsection (e), by striking "subsection (a)(1), (a)(2)(A), or (a)(2)(B) of section 4" and inserting "subsection (a)(1), (a)(2)(A), (a)(2)(B), (a)(2)(C), or (a)(2)(D) of section 4".

(c) REGULATIONS.—

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

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

SEC. 10. LIMITATION ON CLAIMS.

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

(1) by striking "2 years" and inserting "19
years"; and

(2) by striking "2022" and inserting "2023".
(b) RESUBMITTAL OF CLAIMS.—Section 8(b) is
amended to read as follows:

"(b) RESUBMITTAL OF CLAIMS.—

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

"(2) PREVIOUSLY SUCCESSFUL CLAIMS.—

"(A) IN GENERAL.—After the date of en-
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—

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

“(II) the aggregate amount paid to the claimant under this Act before the date of enactment of the Radiation Exposure Compensation Act Amendments of 2023; and

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

SEC. 10. GRANT PROGRAM ON EPIDEMIOLOGICAL IMPACTS OF URANIUM MINING AND MILLING.

(a) DEFINITIONS.—In this section—

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

(2) the term “program” means the grant program established under subsection (b); and

(3) the term “Secretary” means the Secretary of Health and Human Services.
(b) **Establishment.**—The Secretary shall establish a grant program relating to the epidemiological impacts of uranium mining and milling. Grants awarded under the program shall be used for the study of the epidemiological impacts of uranium mining and milling among non-occupationally exposed individuals, including family members of uranium miners and millers.

(c) **Administration.**—The Secretary shall administer the program through the National Institute of Environmental Health Sciences.

(d) **Eligibility and Application.**—Any institution of higher education or nonprofit private entity shall be eligible to apply for a grant. To apply for a grant an eligible institution or entity shall submit to the Secretary an application at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require.

(e) **Authorization of Appropriations.**—There are authorized to be appropriated to carry out this section $3,000,000 for each of fiscal years 2024 through 2026.

SEC. 10. **Energy Employees Occupational Illness Compensation Program.**

(a) **Covered Employees With Cancer.**—Section 3621(9) of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7384l(9))
is amended by striking subparagraph (A) and inserting the following:

"(A) An individual with a specified cancer who is a member of the Special Exposure Cohort, if and only if—

"(i) that individual contracted that specified cancer after beginning employment at a Department of Energy facility (in the case of a Department of Energy employee or Department of Energy contractor employee) or at an atomic weapons employer facility (in the case of an atomic weapons employee); or

"(ii) that individual—

"(I) contracted that specified cancer after beginning employment in a uranium mine or uranium mill described under section 5(a)(1)(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, Wyo-
(II) was employed in a uranium mine or uranium mill described under subclause (I) (including any individual who was employed in core drilling or the transport of uranium ore or vanadium-uranium ore from such mine or mill) at any time during the period beginning on January 1, 1942, and ending on December 31, 1990.”.

(b) MEMBERS OF SPECIAL EXPOSURE COHORT.—
Section 3626 of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7384q) is amended—

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

“(1) The Advisory Board on Radiation and Worker Health under section 3624 shall advise the President whether there is a class of employees—
“(A) at any Department of Energy facility who likely were exposed to radiation at that facility but for whom it is not feasible to estimate with sufficient accuracy the radiation dose they received; and

“(B) employed in a uranium mine or uranium mill described under section 5(a)(1)(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 weapons employer facility, may be treated as members of the Special Exposure Cohort for purposes of the compensation program if the President, upon recommendation of the Advisory Board on Radiation and Worker Health, determines that—

"(A) it is not feasible to estimate with sufficient accuracy the radiation dose that the class received; and

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

"(2) Subject to the provisions of section 3621(14)(C), the members of a class of employees employed in a uranium mine or uranium mill described under section 5(a)(1)(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, may be treated as members of the Special Exposure Cohort for purposes of the compensation program if the President, upon recommendation of the Advisory Board on Radiation and Worker Health, determines that—

“(A) it is not feasible to estimate with sufficient accuracy the radiation dose that the class received; and

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