

117TH CONGRESS
1ST SESSION

S. 2825

To amend the Radiation Exposure Compensation Act to revise the definition of “affected area” and extend the period in which compensation may be provided, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 23, 2021

Mr. LEE introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To amend the Radiation Exposure Compensation Act to revise the definition of “affected area” and extend the period in which compensation may be provided, 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 “Downwinders Act”.

1 **SEC. 2. AMENDMENTS TO THE RADIATION EXPOSURE COM-**
2 **PENSATION ACT.**

3 (a) AFFECTED AREAS.—Section 4 of the Radiation
4 Exposure Compensation Act (42 U.S.C. 2210 note; Public
5 Law 101–426) is amended—

6 (1) in subsection (a)—

7 (A) in paragraph (1)—

8 (i) in subparagraph (A)—

9 (I) in clause (i)—

10 (aa) in subclause (II), by
11 striking “; or” and inserting a
12 semicolon;

13 (bb) by redesignating sub-
14 clause (III) as subclause (IV);
15 and

16 (cc) by inserting after sub-
17 clause (II) the following:

18 “(III) was physically present in
19 the affected area described in sub-
20 section (b)(1)(D) for the period begin-
21 ning on July 16, 1945, and ending on
22 August 16, 1945; or”; and

23 (II) in clause (ii)(I), by striking
24 “physical presence described in sub-
25 clause (I) or (II) of clause (i) or on-
26 site participation described in clause

1 (i)(III)” and inserting “physical pres-
 2 ence described in subclause (I), (II),
 3 or (III) of clause (i) or onsite partici-
 4 pation described in clause (i)(IV)”;
 5 and

6 (ii) in subparagraph (B)—

7 (I) in clause (i), by striking “sub-
 8 clause (I) or (II) of subparagraph
 9 (A)(i)” and inserting “subclause (I),
 10 (II), or (III) of subparagraph (A)(i)”;
 11 and

12 (II) in clause (ii), by striking
 13 “subclause (III)” and inserting “sub-
 14 clause (IV)”;

15 (B) in paragraph (2)—

16 (i) in subparagraph (B), by striking “,
 17 or” and inserting a comma;

18 (ii) by redesignating subparagraph
 19 (C) as subparagraph (D);

20 (iii) by inserting after subparagraph
 21 (B) the following:

22 “(C) was physically present in the affected
 23 area described in subsection (b)(1)(D) for the
 24 period beginning on July 16, 1945, and ending
 25 on August 16, 1945, or”;

1 (iv) in the matter following subpara-
 2 graph (D), as so redesignated, by striking
 3 “subparagraph (A) or (B)” and all that
 4 follows through “subparagraph (C)” and
 5 inserting “subparagraph (A), (B), or (C))
 6 or \$75,000 (in the case of an individual
 7 described in subparagraph (D)); and

8 (2) in subsection (b)(1)—

9 (A) in subparagraph (A), by striking “in
 10 the State” and all that follows through “Piute”
 11 and inserting “the State of Utah”;

12 (B) in subparagraph (B), by striking “;
 13 and” and inserting a semicolon; and

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

15 “(D) with respect to a claim by an indi-
 16 vidual under subsection (a)(1)(A)(i)(III) or sub-
 17 section (a)(2)(C), only the counties of
 18 Bernalillo, Chaves, Guadalupe, Lincoln,
 19 Sandoval, San Miguel, Santa Fe, Socorro, Tor-
 20 rance, and Valencia in the State of New Mex-
 21 ico; and”.

22 (b) EXTENSION OF PERIOD OF COMPENSATION.—

23 (1) TERMINATION OF FUND.—Section 3(d) of
 24 the Radiation Exposure Compensation Act (42

1 U.S.C. 2210 note; Public Law 101–426) is amend-
2 ed—

3 (A) in the first sentence, by striking “22”
4 and all that follows through “2000” and insert-
5 ing “on the date that is 10 years after the date
6 of enactment of the Downwinders Act”; and

7 (B) in the second sentence, by striking “by
8 the end of that 22-year period” and inserting
9 “by such date of termination”.

10 (2) ELIGIBILITY.—Section 8(a) of the Radi-
11 ation Exposure Compensation Act (42 U.S.C. 2210
12 note; Public Law 101–426) is amended by striking
13 “22” and all that follows through “2000” and in-
14 serting “10 years after the date of enactment of the
15 Downwinders Act”.

16 (c) CONFORMING AMENDMENTS.—Section 6 of the
17 Radiation Exposure Compensation Act (42 U.S.C. 2210
18 note; Public Law 101–426) is amended—

19 (1) in subsection (b)(2)(C), by striking “section
20 4(a)(2)(C)” and inserting “section 4(a)(2)(D)”;

21 (2) in subsection (c)(2)—

22 (A) in subparagraph (A)—

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

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

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

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

11 (3) in subsection (e), by striking “subsection
12 (a)(1), (a)(2)(A), or (a)(2)(B) of section 4” and in-
13 serting “subsection (a)(1), (a)(2)(A), (a)(2)(B), or
14 (a)(2)(C) of section 4”.

15 **SEC. 3. STUDY ON COUNTIES AFFECTED BY RADIATION**
16 **FALL-OUT DUE TO OPEN AIR NUCLEAR TEST-**
17 **ING CONDUCTED IN NEVADA AND NEW MEX-**
18 **ICO.**

19 Not later than 1 year after the date of enactment
20 of this Act, the Secretary of Health and Human Services,
21 in consultation with the Secretary of Energy, shall conduct
22 a research study and report to Congress on which counties
23 were affected by radiation fall-out due to open air nuclear
24 testing conducted in Nevada and New Mexico, as identi-
25 fied using evidence-based analysis.

1 **SEC. 4. SPECTRUM AUCTION.**

2 (a) IDENTIFICATION OF SPECTRUM TO BE AUC-
3 TIONED.—Not later than 1 year after the date of enact-
4 ment of this Act, the Assistant Secretary of Commerce
5 for Communications and Information, in consultation with
6 the Federal Communications Commission and the Direc-
7 tor of the Office of Science and Technology Policy, shall
8 identify 100 megahertz of electromagnetic spectrum that
9 is assigned or allocated to the Federal Government to be
10 made available for non-Federal commercial licensed use
11 through an auction under subsection (b).

12 (b) AUCTION.—Not later than 18 months after the
13 date of enactment of this Act, the Federal Communica-
14 tions Commission shall conduct a system of competitive
15 bidding under section 309(j) of the Communications Act
16 of 1934 (47 U.S.C. 309(j)) to grant new licenses for the
17 spectrum identified under subsection (a).

18 (c) AUCTION PROCEEDS TO COVER 110 PERCENT OF
19 FEDERAL RELOCATION OR SHARING COSTS.—Nothing in
20 this section shall be construed to relieve the Federal Com-
21 munications Commission from the requirements under
22 section 309(j)(16)(B) of the Communications Act of 1934
23 (47 U.S.C. 309(j)(16)(B)).

24 (d) DEPOSIT OF AUCTION PROCEEDS IN RADIATION
25 EXPOSURE COMPENSATION TRUST FUND.—Section

1 309(j)(8) of the Communications Act of 1934 (47 U.S.C.
 2 309(j)(8)) is amended—

3 (1) in subparagraph (A), by striking “and (G)”
 4 and inserting “(G), and (H)”;

5 (2) in subparagraph (C)(i), by striking “and
 6 (G)” and inserting “(G), and (H)”; and

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

8 “(H) USE OF AUCTION PROCEEDS FOR RA-
 9 DIATION EXPOSURE COMPENSATION.—Notwith-
 10 standing subparagraph (A), and except as pro-
 11 vided in subparagraph (B), of the proceeds (in-
 12 cluding deposits and upfront payments from
 13 successful bidders) from the use of a system of
 14 competitive bidding under this subsection pur-
 15 suant to section 4 of the Downwinders Act, the
 16 Commission shall deposit not less than
 17 \$2,500,000,000 and not more than
 18 \$5,000,000,000 in the Radiation Exposure
 19 Compensation Trust Fund established under
 20 section 3(a) of the Radiation Exposure Com-
 21 pensation Act (42 U.S.C. 2210 note; Public
 22 Law 101–426), to be used for disbursement by
 23 the Attorney General under section 6 of such
 24 Act.”.

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