

**Congresswoman Teresa Leger Fernández (NM-03)**  
**Statement for the Record**  
**House Judiciary Committee**  
**Markup of H.R. 5338, the Radiation Exposure Compensation Act Amendments of 2021**  
**December 8, 2021**

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Chairman Nadler, thank you for holding today's markup of H.R. 5338, the Radiation Exposure Compensation Act Amendments of 2021. This bipartisan legislation would provide appropriate compensation to Americans who were exposed to high levels of radiation and later developed cancer and other diseases due to the government's nuclear testing program.

The bill is urgently needed to extend the authorization which expires in July 2022, and just as importantly to include communities such as those in New Mexico where the first atomic bomb was tested yet New Mexicans are excluded from the compensation.

I was proud to introduce it alongside Rep. Burgess Owens (R-UT), Senator Lujan (D-NM), Senator Crapo (R-ID) and many Members of the Judiciary Committee earlier this year. 62 Members including 54 Democrats and 8 Republicans have cosponsored this legislation already. 19 of those Members sit on the House Judiciary Committee.

This bill is the culmination of years of work by advocates in New Mexico and around the country. I am proud that it has garnered the strong support of many off of Capitol Hill including the Navajo Nation, the Tularosa Basin Downwinders Consortium, and the Union of Concerned Scientists. I remain in awe of their tireless efforts.

### **Radiation Exposure Compensation Act**

Between 1945 and 1992, the U.S. government conducted more than 200 above-ground nuclear tests. These tests exposed those working in the uranium industry as well as many in nearby communities to radiation. As a result of the exposure, tens of thousands contracted cancers and other diseases.

In 1990, Congress passed the Radiation Exposure Compensation Act ("RECA") on a bipartisan basis to provide a one-time payment to many of those harmed. The benefits under the program are available to qualified persons who participated in onsite tests of an atomic weapon; downwinders in specified areas near the Nevada Test Site; and uranium miners, millers, and ore transporters who worked in the industry between 1942 and 1971. The program was most recently amended in 2000. It is currently set to sunset in July 2022 – we cannot let that happen.

RECA is an undoubtedly important program. It is also undoubtedly incomplete. For example, it leaves too many individuals who were exposed to radiation without compensation. Everyone knows that New Mexico is where the government first detonated an atomic bomb. But New Mexico and other affected downwinder communities were left out of the law. In addition, uranium workers employed after 1971 contracted cancers because of mining exposure yet they remain ineligible for assistance under RECA. This exposure disproportionately impacts Native Americans. Navajo and Native American Pueblo miners who worked without the necessary health and safety protections in an industry the United States considered to utmost importance to

our national security are dying across my district. This is an environmental injustice issue of the most explosive nature.

### **H.R. 5338, the Radiation Exposure Compensation Act Amendments of 2021**

I introduced the RECA Amendments to address these environmental injustices and other issues facing the current RECA program. If enacted, this legislation would extend the existing RECA program until 19 years after the bill's enactment. Second, it would expand eligibility for compensation payments to cover additional diseases and downwinder communities in Arizona, Colorado, Idaho, Montana, Nevada, New Mexico, Utah, and Guam as well as uranium core drillers and DOE remediation workers. It would also extend eligibility to the Post-71 uranium workers. Finally, the legislation would increase compensation payments to \$150,000.

### **Conclusion**

For too long, New Mexicans have waited for the U.S. government to acknowledge the environmental injustice they suffered and for compensation under RECA. H.R. 5338, the RECA Amendments of 2021 will finally address those harms. With the impending expiration of RECA, it is critically important that we act swiftly. I thank Chairman Nadler for holding this important markup and I urge my colleagues on both sides of the aisle to support it.