

Congressman Paul A. Gosar

Statement for the Record

House Armed Services Committee Hearing: FY14 National Defense Authorization Act

Wednesday, May 8, 2013

Chairman McKeon, Ranking Member Smith, and members of the committee—I thank you for allowing me to testify before you all. I appreciate the fair and open process that is taking place here today. I come before you to highlight a serious issue facing a group of my constituents.

By way of background, the *Radiation Exposure Compensation Act of 1990*, or RECA, established a trust fund to provide compassionate lump-sum payments to individuals—commonly referred to as “down winders”—who have contracted certain cancers and other serious diseases that are presumed to be the result of their exposure to ionizing radiation from above-ground nuclear weapons testing or from various activities in connection with uranium mining. Though the testing in question was performed in Nevada, radioactive elements affected people in Utah and Arizona as well.

The original language in the 1990 RECA used a broad definition of the affected areas in Arizona. That language reads “that part of Arizona that is north of the Grand Canyon and west of the Colorado River”. That definition therefore included northern Mohave County, Arizona in its definition, as it is the county in Arizona that is closest to Nevada and therefore closest to the testing ranges.

But when RECA was reauthorized and amended in 2000, the purpose was to expand eligibility. With respect to Arizonans’ eligibility, the definition of the affected areas changed to reflect specific counties. Of the five Arizona counties listed in the 2000 Act, Mohave County is not among them.

Then in 2002, technical corrections were made to the 2000 Act to reflect part of the 1990 language concerning Arizona. So, after the 2002 corrections, the law listed the 5 counties and included the language “and that part of Arizona that is north of the Grand Canyon”.

Again, Mohave County is the closest of the Arizona counties to the Nevada border and therefore to the nuclear testing ranges. The Arizona counties directly east and southeast from Mohave County are both covered in their entirety. This omission seems to be a clerical error—which is consistent with the fact that the 2000 reauthorization contained composition errors that had to be fixed in a separate 2002 Act.

To correct the omission, Congressman Trent Franks, a member of this Committee, introduced bills in the 111th and 112th Congresses to include Mohave County as an affected area for RECA purposes. Because I am now the representative of Mohave County, I have re-introduced the bill in the 113th Congress. It is known as H.R. 424, the *Mohave County Radiation Compensation Act*, and I am pleased to have Representative Franks as an original cosponsor. I thank Representative Franks for his continued support for this cause. It is this exact language that I am seeking to have included in the National Defense Authorization Act for Fiscal Year 2014.

The trust fund associated with these claims has been active since 1992, and that fund will sunset in 2022, by statute. My goal is to ensure that the affected residents in Mohave County, Arizona have their fair shot at justified compensation before the trust fund is closed. It will not increase costs, it will simply allow constituents who should have been included in the 2002 law to submit a claim. Each Mohave claimant would be subject to the same burden of proof as the other claimants. But for Congress to deny the rest of Mohave County, Arizona the right to even *file* a claim is both inconsistent and careless.

Again, I thank the Committee for providing this opportunity to be heard. It is my hope that the Committee will favorably adopt this language and ensure that my constituents affected by the government's nuclear weapons tests are eligible for reasonable and justified compensation.