

Testimony of Senator Ben Ray Luján  
Examining the Need to Expand Eligibility Under the Radiation Exposure Compensation Act  
House Committee on Judiciary  
Subcommittee on the Constitution, Civil Rights, and Civil Liberties  
March 24, 2021

Let me begin by thanking Chairmen Nadler and Cohen and Ranking Members Jordan and Johnson for holding today's hearing to discuss the need to expand eligibility under the Radiation Exposure Compensation Act (RECA).

I also want to thank Chairman Nadler for joining me to meet with downwinders and uranium miners last summer. They appreciated your commitment to correcting this long-standing injustice.

Mr. Chairman, seventy-five years ago, rural New Mexico became ground zero for the detonation of the first nuclear bomb. While the Trinity Test ushered in the start of the atomic age, it also marked the beginning of sickness and suffering for generations of people who lived and grew up in the Tularosa Basin and in other communities that sacrificed for our national security. As they struggle with these chronic and acute health conditions, they also find themselves at higher risk for sickness and death from COVID-19.

Henry was 11 years old when the Trinity test occurred. He was living in Tularosa, New Mexico with his family. That morning he heard a large blast and saw a great flash of light. "I got so scared," he wrote that he thought that the world was "coming to an end."

Francisco also witnessed the Trinity Test. "There was a large cloud in the shape of a mushroom," he wrote. "We realized later that the backs of the cattle had turned white as though they had suddenly aged. This test was a total surprise to us. We were not informed that the detonation was going to take place. Even after the test, no one communicated with us in regards to this major occurrence."

"That atomic bomb," Gloria wrote to me, "has caused anguish to so many people in New Mexico... The people from New Mexico have suffered physically, mentally, and financially. And we are all here in hope that you will find a way to help us."

The Trinity Test downwinders were the first unknowing and unwilling victims of our nation's nuclear efforts. They were not last. In fact, you will hear similar stories from communities all across the country.

From 1945 to 1962, the United States conducted nearly 200 atmospheric nuclear weapons tests while building the arsenal that became the cornerstone of our nation's Cold War security strategy.

The mining and processing of uranium ore was essential to the development of nuclear weapons and was conducted by tens of thousands of workers across the nation until the mid-1970s. The Navajo, Hopi, and Yavapai Apache Indian reservations were particularly affected.

Too often, however, these workers faced unsafe and dangerous working conditions. One uranium miner from Grants, New Mexico wrote the following to me:

"My respiratory protection consisted of a single paper mask per shift and the mask was useless after the first hour or so because it was covered in yellowcake. Most of the rest of the shift I used

a bandana to cover my face but that stopped little of the yellowcake dust from being inhaled directly. There was no real protection from over exposure to radiation in the yellowcake area.”

Inevitably, many of those who worked in the uranium mines or lived downwind from a test site got sick due to radiation exposure. Many also died.

To help those Americans who sacrificed so much for our national security, Congress passed the Radiation Exposure Compensation Act (RECA) in 1990 and later broadened the scope of the Act’s coverage in 2000. However, we have since learned that many additional individuals who are sick or dying from radiation exposure are unable to receive the compensation they deserve.

These people deserve justice, which is why I have championed the Radiation Exposure Compensation Act Amendments to compensate all those exposed to radiation while working in uranium mines or living downwind from atomic weapons tests.

The RECA Amendments would finally make Post-71 miners eligible for RECA, while expanding compensation to downwind communities in New Mexico, Arizona, Colorado, Montana, Nevada, Utah, and Guam.

This bipartisan legislation, which I will reintroduce with Senator Mike Crapo in the Senate, is a matter of fairness and justice. When this legislation is reintroduced in the House, I urge this committee to act on it. And, I urge this committee to act to ensure that the existing Radiation Exposure Compensation Act program does not expire in July 2022.

Mr. Chairman, I have had elder Navajo women trek to Washington, D.C. to ask Congress one simple question: Are you people waiting for us all to die so that the problem goes away?

I also ask that this committee hear Gloria’s words again. We “hope that you will find a way to help us.”

I ask everyone on this Committee to join me... join me in finding a way to help these Americans who have sacrificed for our national security.

I thank the Committee for inviting me to testify today and I thank the witnesses, including my good friends, the President of the Navajo Nation, Johnathan Nez, and Tina Cordova with the Tularosa Basin Downwinders Consortium. They have been vital advocates in this effort.