

Statement of Senator Mark Kelly
on the
Oversight Hearing on Examining the Need to Expand Eligibility Under the Radiation
Exposure Compensation Act
by the
House Committee on the Judiciary
Subcommittee on the Constitution, Civil Rights, and Civil Liberties
March 24, 2021

Mr. Chairman, thank you for holding today's hearing on examining the need to expand eligibility under the Radiation Exposure Compensation Act (RECA). The committee's leadership on this issue is appreciated by Arizonans who were exposed to radioactive fallout from nuclear weapons testing but are ineligible for compensation by the Department of Justice (DOJ) under RECA.

In Arizona, many of these victims were born and some still live in Mohave County, which is located along the Arizona-Nevada border southeast of the Nevada Test Site (NTS). The NTS is a facility operated by the Department of Energy where the United States government conducted 100 above-ground nuclear weapons tests during the Cold War. These tests exposed communities in Arizona, Nevada, and Utah to cancer-causing ionized radiation in the form of nuclear fallout. RECA, signed into law in 1990, provides a one-time monetary payment of \$50,000 to individuals living or working downwind of the NTS that are diagnosed with certain radiation-related cancers including leukemia, multiple myeloma, and lymphoma.

To receive compensation, RECA requires claimants to prove physical presence in an eligible geographic area from 1945 to 1962. Despite Mohave County's close proximity to the NTS, the RECA statute does not designate the lower half of the county as one of its eligible areas.

Exclusion from RECA is an injustice to Mohave Downwinders. The existing eligibility criteria under RECA is not supported by science or the facts on the ground.

The personal and deeply moving accounts from Mohave Downwinders and their surviving loved ones should be enough to convince any lawmaker to reform RECA eligibility. During the testing period, Mohave County had a population of roughly 5,000 people. Some remember viewing mushroom clouds from mountain overlooks. Others recall being asked to wear radiation monitors as a child while in school. Over the years, Mohave Downwinders have worked hard to compile health records that have revealed an extraordinarily high number of fatal cases of childhood leukemia in the 1950s and 1960s.

The science supporting the case for fixing RECA is equally compelling. Peer-reviewed research by the National Cancer Institute (NCI) and the National Academy of Sciences (NAS) have long indicated a need to modernize RECA's eligibility criteria. In 1997, the NCI published findings that describe the link between thyroid cancer in Downwinder communities and exposure to radioactive particles that entered dairy cow milk through the local livestock food chain. In 2005, NAS published a report to Congress that determined RECA's current list of geographic

areas does not adequately cover populations potentially affected by NTS fallout. Last year, NCI concluded a detailed study on the health effects of the 100-mile long fallout plume of Trinity, the first atomic bomb test, and cited data showing a spike in infant mortality in New Mexico following the blast. For the record, Mohave County is about 110 miles from the NTS where much larger bombs were detonated.

The RECA Trust Fund is set to expire on July 10, 2022. I encourage members of the committee and my colleagues in the Senate to reauthorize the Fund and amend RECA so that Mohave County proper is covered by the compensation program and Downwinders and their descendants can finally receive the compensation they are long overdue.