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September 5, 2023

The Honorable Dick Durbin  
Chair  
Committee on the Judiciary  
United States Senate  
224 Dirksen Senate Office Building  
Washington, DC 20510

The Honorable Lindsey Graham  
Ranking Member  
Committee on the Judiciary  
United States Senate  
224 Dirksen Senate Office Building  
Washington, DC 20510

Dear Chair Durbin and Ranking Member Graham:

On behalf of Western Governors, we write to express our support for S. 1751, the Radiation Exposure Compensation Act Amendments of 2023. This bipartisan legislation was introduced by Senators Ben Ray Lujan (D-NM) and Mike Crapo (R-ID), and currently has 15 cosponsors. A companion bill, H.R. 4426, has been introduced by Representative Teresa Leger Fernandez (D-NM) and Delegate James C. Moylan (R-GU) in the House and has 31 bipartisan cosponsors.

Western Governors were pleased to see that the text of S. 1751 was included as an amendment (S. Amdt. 1058) to H.R. 2670, the National Defense Authorization Act (NDAA) for FY24, during the Senate's floor consideration. As Congress turns to resolving differences between the House and Senate versions of the FY24 NDAA, we encourage you to retain this important language in the final version of the bill.

From 1945 to 1992, the United States conducted over 1,000 nuclear weapons tests, nearly 200 of which were atmospheric tests. The vast majority of these tests were conducted in western states or the Pacific islands. Sites for such testing included Alaska, Colorado, Nevada, New Mexico, Guam and the Northern Mariana Islands. The uranium ore mining and milling activities that provided the feedstock for these weapons tests and the nation's nuclear weapons arsenal also occurred primarily in the American West.

The residents of western states and U.S. territories were the individuals primarily affected by these national security activities. Such individuals include employees of the nuclear weapons complex, miners and mill workers, and the general public. Known as "downwinders," these individuals suffered exposure to the fallout from atmospheric testing. In recognition of their exposure to deadly risks in order to advance our national security, Congress passed the Radiation Exposure Compensation Act (RECA, Pub. L. 101-426). This legislation offers compensation to individuals who contracted certain cancers and other serious diseases following exposure to radiation released from above-ground atmospheric nuclear weapons tests or following occupational exposure to radiation while employed in the uranium industry.


The RECA Amendments of 2023 would update the current statute to recognize the broader scope of populations and activities negatively affected by the nuclear weapons program. Importantly, it would expand the definition of "affected area" for downwind states to include Arizona, Colorado, Idaho, Montana, Nevada, New Mexico, Utah and Guam, all of which have been shown to have been affected by downwind contamination.

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The bill would also extend the Radiation Exposure Compensation Trust Fund for 19 years and increase the amount of compensation an individual filing a claim may receive to \$150,000, up from between \$50,000-\$100,000 under the current statute. It also includes provisions to address the radiation exposures of the uranium mine and mill employees who worked to advance our national security. The bill would retain statutory requirements that ensure individuals file claims with the U.S. Attorney General and meet the law's standards for qualification before any compensation is allocated.

We encourage you to expeditiously approve this important legislation, which acknowledges that nuclear weapons production and testing has had much broader effects than currently recognized by statute. Retention of the language adopted during the Senate's consideration of the FY24 NDAA would accomplish this objective.

Sincerely,

  
Mark Gordon  
Governor of Wyoming  
Chair, WGA

  
Michelle Lujan Grisham  
Governor of New Mexico  
Vice Chair, WGA

cc: The Honorable Ben Ray Lujan  
The Honorable Mike Crapo