

THE NAVAJO NATION
LEGISLATIVE BRANCH
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LEGISLATION NO: _0119-24_

SPONSOR: Danny Simpson

TITLE: An Action Relating to an Emergency; Supporting United States Senate Bill S. 3853 the Radiation Exposure Compensation Reauthorization Act

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LEGISLATIVE SUMMARY SHEET

Tracking No. 0119-24

DATE: May 30, 2024

TITLE OF RESOLUTION: PROPOSED NAVAJO NATION COUNCIL RESOLUTION;
AN ACTION RELATING TO AN EMERGENCY; SUPPORTING UNITED STATES
SENATE BILL S. 3853 THE RADIATION EXPOSURE COMPENSATION
REAUTHORIZATION ACT

PURPOSE: The purpose of this legislation is to support United States Senate Bill S. 3853, Radiation Exposure Compensation Reauthorization Act, and to call upon Speaker Mike Johnson of the United States House of Representatives to bring S. 3853 to the house floor for an immediate vote.

Final Authority: Navajo Nation Council

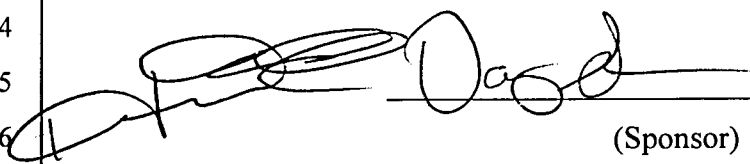
Vote Required: Simple Majority


This written summary does not address recommended amendments as may be provided by the standing committees. The Office of Legislative Counsel requests each Council Delegate to review each proposed resolution in detail.

PROPOSED NAVAJO NATION COUNCIL RESOLUTION
25th NAVAJO NATION COUNCIL – Second Year, 2024

INTRODUCED BY

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(Sponsor) 

TRACKING NO. 0119-24



AN ACTION

**RELATING TO AN EMERGENCY; SUPPORTING UNITED STATES SENATE
BILL S. 3853 THE RADIATION EXPOSURE COMPENSATION
REAUTHORIZATION ACT**

WHEREAS:

- A. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C. § 102 (A).
- B. The Navajo Nation maintains a government-to-government relationship with the United States.
- C. The Radiation Exposure Compensation Act (“RECA”) (Public Law 101-426), signed into law on October 15, 1990, and subsequently amended, provided one-time compensation to individuals impacted by America's uranium industry and nuclear development program, including individuals residing or working in certain counties downwind of the Nevada Test Site, workers participating in atmospheric nuclear weapons tests, and uranium miners, millers, and ore transporters.
- D. With roughly half of all uranium mined in the United States in the 20th century coming from the Navajo Nation, the uranium mining industry has disproportionately affected Navajo citizens, resulting in widespread health, environmental, and economic consequences for our communities.

- 1 E. Existing law limits claims for uranium mine workers to those employed before 1971,
2 even though uranium mines continued to operate on the Navajo Nation throughout the
3 1980s, and the industry continued to provide the United States with fuel for atomic
4 energy production and the mines remained a national security asset of the highest
5 importance after 1971.
- 6 F. The Radiation Exposure Compensation Act excludes core drillers from the eligible
7 employment categories, even though core drillers identify uranium deposits and
8 obtain samples which are key to assess the quality of the heavy metal, and many were
9 exposed to dust and radiation in the performance of their work and suffered serious
10 disease and death as a result.
- 11 G. The current Radiation Exposure Compensation Act is set to expire in June 2024, but
12 eligible illnesses from radiation exposure can take decades to manifest. More time is
13 needed to ensure all eligible recipients have an opportunity to apply for
14 compensation.
- 15 H. Exposure to even low dose radiation, which all individuals employed in the uranium
16 industry encountered, is associated with kidney disease and increased morbidity; yet,
17 under existing law, only millers and transporters may submit claims based on kidney
18 disease, no other employment categories may do so.
- 19 I. Standard movement between covered positions should not result in a higher standard
20 of time for an individual to qualify for RECA benefits. Department of Justice policy
21 allows for certain combined work history exceptions, but the policy is not codified.
- 22 J. Currently compensation is only granted to those downwind of the Nevada test site in
23 several specified counties in Utah, Arizona, and Nevada. Yet, tests were conducted at
24 the Trinity site in New Mexico, which also impacted Navajo citizens.
- 25 K. Compensation under the Radiation Exposure Compensation Act has not changed
26 since it was set in 1990, despite inflation, and only allows medical benefit claims for
27 miners, millers, and ore transporters.
- 28 L. While there has been research demonstrating the impacts on the health of families of
29 uranium workers and residents of uranium development communities, there has been
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1 no comprehensive look at the epidemiological impact of uranium development on
2 these and other groups.

3 M. New legislation that was introduced on February 29, 2024, as United States Senate
4 Bill S. 3853, Radiation Exposure Compensation Reauthorization Act, corrects many
5 of the weaknesses in the original Radiation Exposure Compensation Act as detailed
6 above. Senate Bill S. 3853 is attached as **Exhibit A**.

7 N. On March 7, 2024, S. 3853 passed the Senate with bipartisan support (69-30).

8 O. On March 14, 2024, Representative Ann Wagner sent bipartisan letters, attached as
9 **Exhibit B**, to Speaker Mike Johnson for S.3853 inclusion in appropriations.

10 P. On March 21, 2024, Speaker Mike Johnson made a statement that he wanted to work
11 towards a solution for RECA but has shown no signs about being serious in working
12 with lawmakers pushing for amendments. See **Exhibit C**,

13 Q. On April 10, 2024, Senator Hawley attempts to attach RECA legislation to child tax
14 credit legislation.

15 R. On April 18, 2024, Representative Wagner submits a RECA amendment to the 21st
16 Century Peace through Security Act, which is not accepted.

17 S. There exists wide recognition of the issues faced by those affected by uranium mining
18 and nuclear testing, which led to the passage of S. 3853 in the United States Senate
19 and its referral to the United States House of Representatives.

20 T. Prominent leaders including Utah Governor Spencer Cox and a bipartisan coalition of
21 U.S. Senators and House representatives have also expressed their support for
22 addressing these injustices. These statements are attached as **Exhibits D and E**.

23 U. United States President Joe Biden has promised to sign S. 3853 into law if presented
24 to him by the United States Congress. See attached **Exhibit F**, Statement of
25 Administration Policy, March 6, 2024.

26 V. Despite wide bipartisan support for corrective legislation, S. 3853 has stalled in the
27 House, with Speaker Mike Johnson refusing to bring the measure to a vote.

28 W. On April 19, 2024, Senator Mike Lee, Senator Mitt Romney, Representative Celeste
29 Maloy, and Representative Burgess Owens introduce bills (S. 4175 and H.R. 8097
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1 attached as **Exhibits G and H**), for a two-year RECA extension without additional
2 improvements, facing opposition from the RECA Working Group.

3 X. A two-year extension to the program with no other amendments only serves to derail
4 the momentum to pass meaningful corrections to the program.

5 Y. The last time the RECA program was given an extension, virtually all progress in
6 moving forward amendments stalled and Congress did not seriously take up the issue
7 until less than six months remained before the program would expire.

8 Z. A two-year extension is not a good faith effort to negotiate, but instead effectively
9 delays the provision of any relief to victims of radiation exposure who deserve
10 compensation, increasing the likelihood that those suffering from cancer will die
11 before any relief is provided.

12 AA. For the reasons stated above, it is in the best interest of the Navajo Nation to
13 support immediate amendments without additional delay to Radiation Exposure
14 Compensation Act in order to expand eligibility for compensation to uranium mine
15 workers employed from 1971 to 1990 and core driller, extend the program for 5 years
16 to allow individuals to apply, expand eligibility for kidney disease to all categories of
17 eligible impacted individuals, provide for combined work histories to demonstrate
18 eligibility, expand the areas eligible for compensation as downwinders, increase the
19 compensation amounts to account for inflation, and provide for a study on the
20 epidemiological impact of uranium development on currently ineligible groups
21 including family members.

22 BB. "Matters constituting an emergency shall be limited to the cessation of law
23 enforcement services, and disaster relief services, fire protection services or other
24 direct services required as an entitlement under Navajo Nation or Federal law, or
25 which directly threaten the sovereignty of the Navajo Nation. Such an emergency
26 matter must arise due to the pressing public need for such resolution(s) and must be a
27 matter requiring final action by the Council." 2 N.N.C. § 164 (A) (16).

28 CC. This legislation is put forth as an emergency because benefits under the
29 Radiation Exposure Compensation Act constitute "disaster relief services" addressing
30 a pressing public need; in addition, the expiration of the program on June 10th qualify

1 this action to move forward on an emergency basis.

2
3 **THEREFORE, BE IT RESOLVED:**

- 4 A. The Navajo Nation hereby supports United States Senate Bill S. 3853, Radiation
5 Exposure Compensation Reauthorization Act, attached herein as **Exhibit A**.
- 6 B. The Navajo Nation hereby calls upon Speaker Mike Johnson of the United States
7 House of Representatives to bring S. 3853 to the house floor for an immediate vote.
- 8 C. The Navajo Nation hereby authorizes the Speaker of the Navajo Nation Council,
9 President of the Navajo Nation, and their designees, to advocate the Navajo Nation's
10 support of Senate Bill S. 3853.

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