LEGISLATION NO: _0216-21_  SPONSOR: Kee Allen Begay, Jr.

TITLE: An Action Relating to Resources and Development Committee and Naabik’íyáti’ Committee; Supporting Congressional Bills S. 2798 and H.R. 5338 “The Radiation Exposure Compensation Act Amendments of 2021”

Date posted: October 19, 2021 at 4:40PM

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DATE: October 18, 2021

TITLE OF RESOLUTION: PROPOSED STANDING COMMITTEE RESOLUTION; AN ACTION RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE AND NAABIK'ÉYÁTI' COMMITTEE; SUPPORTING CONGRESSIONAL BILLS S. 2798 AND H.R. 5338 "THE RADIATION EXPOSURE COMPENSATION ACT AMENDMENTS OF 2021"

PURPOSE: The purpose of this legislation to support Congressional Bills S. 2798 and H.R. 5338, “The Radiation Exposure Compensation Act Amendments Of 2021.”

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.
AN ACTION
RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE AND
NAABIK’IYÁTI’ COMMITTEE; SUPPORTING CONGRESSIONAL BILLS S. 2798
AND H.R. 5338 “THE RADIATION EXPOSURE COMPENSATION ACT
AMENDMENTS OF 2021”

BE IT RESOLVED:

SECTION ONE. AUTHORITY
A. Pursuant to 2 N.N.C. § 102 (A), the Navajo Nation Council is the governing body of
the Navajo Nation.
B. Pursuant to 2 N.N.C. §§ 164 (A)(9), 500 (C), and 501 (B)(4)(a), the Resources and
Development Committee is established as a standing committee of the Navajo Nation
Council with oversight of land, environmental protection and cultural resources and
authority to review and recommend resolutions to the Naabik’iyáti Committee and
Navajo Nation Council to accomplish or impact the Committee purpose.
C. Pursuant to 2 N.N.C. §§ 164 (A)(9), 700 (A), 701 (A)(7), the Naabik’iyáti’ Committee
is established as a Navajo Nation Council standing committee with authority to review
and continually monitor the programs and activities of federal and state departments and
to assist development of such programs designed to serve the Navajo People and the
Navajo Nation through intergovernmental relationships between the Navajo Nation and
such departments.

SECTION TWO. FINDINGS

A. The United States began using Navajo land for uranium mining in 1944 to support the
U.S. Military's Manhattan Project. Following World War II, uranium mining on Navajo
lands increased due to the Cold War, and the United States Atomic Energy Commission
became the sole purchaser of all U.S. mined uranium ore until 1970. The subsequent
mining boom led to the creation of hundreds of mines on the Navajo Nation with the
Navajo people working in those mines. [Brugge, Doug, Timothy Benally, and Esther
Yazzie, the Navajo People and Uranium Mining, Albuquerque: University of New
Mexico Press, 2006] According to the U.S. Environmental Protection Agency (EPA)
approximately thirty million (30,000,000) tons of uranium ore was extracted during
mining operations within the Navajo Nation from 1944 to 1986. [See Navajo Nation:
Clean Up Abandoned Uranium Mines. (2019, April 12) Retrieved July 9, 2019, from
https://www.epa.gov/navajo-nation-uranium-cleanup]

B. Once the Cold War ended and the United States no longer needed uranium ore for
nuclear weapons, the uranium mines were abandoned. According to EPA there are
approximately five hundred and twenty-four (524) abandoned uranium mine sites within
the Navajo Nation. [See Abandoned Uranium Mine Settlements on the Navajo Nation.
(2018, April). Retrieved July 9, 2019, from
https://www.epa.gov/sites/production/files/2018-

C. The EPA has identified two hundred and nineteen (219) former uranium sites for clean-
up and remediation efforts totaling approximately $1.7 billion. Although these sites are
being address, there are another three hundred and five (305) uranium sites that have not
been address. The Navajo Nation estimates that it will cost an additional $3 to $4 billion
to address the remaining three hundred and five (305) sites, which does not include the
cost of long-term monitoring and maintenance of areas. Id.
D. In 1990, the Radiation Exposure Compensation Act (RECA) was enacted by Congress and provides one-time cash benefits to certain persons who participated in atomic weapons testing or lived near the Nevada Test Site during periods of atmospheric (above-ground) atomic weapons testing. Benefits under RECA are also available to certain uranium miners, mill workers, and ore transporters who worked in the uranium industry between 1942 and 1971, when the federal government stopped its procurement of uranium for the atomic weapons program. All RECA claimants must have contracted one of the medical conditions specified in the statute after possible exposure to ionizing radiation from the detonation of an atomic weapon or after working in the uranium industry. It is in the best interest of the Navajo Nation, Navajo people, Church Rock Chapter, Crownpoint Chapter, and surrounding communities and Chapters that the Navajo Nation requests a United States Congressional Hearing to be conducted within the Navajo Nation regarding the United States' approval of uranium mining within the Navajo Nation, long-term effects of uranium mining within the Navajo Nation, and the remediate and reclamation effects of the uranium mining within the Navajo Nation. [See The Radiation Exposure Compensation Act (RECA): Compensation Related to Exposure to Radiation from Atomic Weapons Testing and Uranium Mining (January 13, 2021), Congressional Research Service https://crsreports.congress.gov R43956]. The RECA program is scheduled to sunset in 2022.

E. On September 22, 2022, U.S. Senators Ben Ray Luján (D-N.M.) and Mike Crapo (R-Idaho) introduced bipartisan legislation, S. 2798, designed to strengthen the Radiation Exposure Compensation Act (RECA) to compensate individuals exposed to radiation while working in uranium mines or living downwind from atomic weapons tests. U.S. Representative Teresa Leger Fernández introduced similar legislation, H.R. 5338, in the U.S. House of Representatives. [See Press Release, Luján, Crapo Introduce Bipartisan Legislation to Strengthen RECA (September 22, 2021) https://www.lujan.senate.gov/press-releases/lujan-crapo-introduce-bipartisan-legislation-to-strengthen-reca/ ] [See also Press Release, Heinrich, Luján, Leger Fernández Introduce Bipartisan Legislation to Strengthen RECA (September 23, 2021)
F. Senate Bill Number 2798 Radiation Exposure Compensation Act Amendments of 2021 is attached as Exhibit A and House of Representatives Bill Number 5338 Radiation Exposure Compensation Act Amendments of 2021 is attached as Exhibit B.

G. On September 23, 2021, Navajo Nation President Jonathan Nez and Vice President Myron Lizer offered their support for the introduction of the Radiation Exposure Compensation Act Amendments of 2021. “The RECA Amendments of 2021 presents an opportunity for Congress to work with the Navajo Nation, the Navajo Uranium Radiation Victims Committee, and other impacted groups to appropriately extend RECA’s coverage. Now is the time to ensure that this program reaches its full potential in remediating effects of radiation exposure on the Navajo people. The extension of the Radiation and Exposure Compensation Program beyond 2022 and the inclusion of post-1971 uranium workers are two changes that we strongly support. We strongly support this bill, but also urge Congress to go further to include all downwinders, to expand eligibility for coverage under the program to include additional categories of uranium workers and types of cancers and other radiation-related illnesses, and to increase the compensation cap to a minimum of $200,000 per individual regardless of worker classification or category of disease,” said President Nez. [See Press Release, President Nez offers support for the introduction of the Radiation Exposure Compensation Act Amendments of 2021 (September 23, 2021) https://www.navajo-nsn.gov/News%20Releases/OPVP/2021/Sep/FOR%20IMMEDIATE%20RELEASE%20President%20Nez%20offers%20support%20for%20the%20introduction%20of%20the%20Radiation%20Exposure%20Compensation%20Act%20Amendments%20of%202021.pdf]

H. It is in the best interest of the Navajo people, Navajo communities, and the Navajo Nation to support amendments to the Radiation Exposure Compensation Act to benefit Navajo workers and Navajo families exposed to radiation.
SECTION THREE. SUPPORTING THE RADIATION EXPOSURE COMPENSATION ACT AMENDMENTS OF 2021