

Statement of

The Honorable Orrin Hatch

United States Senator
Utah
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An Overview of the Radiation Exposure Compensation Program

Today, the Committee will hear testimony on one of my top priorities as Utah's senior Senator: the Radiation Exposure Compensation Program, better known as RECA. There are few issues in Washington D.C. as important to my fellow Utahns as the viability of RECA.

The Radiation Exposure Compensation Act, which I authored, was signed into law in 1990 and has compensated thousands of individuals, government workers and civilians alike, who were exposed to harmful radiation as a result of nuclear testing in the 1950s and 1960s. Some of these individuals worked in uranium mines, many drove the trucks which transported uranium ore, and many more simply happened to live downwind from a nuclear test site.

The original RECA Act of 1990 established a fund to provide compensation to these individuals, who were never informed about the health hazards associated with radiation and who became ill due to their exposure. Many of these individuals live in the Western United States; but as evidenced by today's second panel, RECA claimants come from across the country.

In 2000, Congress approved and the President signed into law the Radiation Exposure Compensation Amendments of 2000, S. 1525. This law made important changes to the original 1990 Act by updating the list of compensable illnesses - primarily to include cancers - as well as increasing the scope of individuals and states eligible for compensation based on the latest scientific and medical information.

In 2002, additional expansions were approved for the RECA program, many of them based on technical comments which were provided to the Committee through the Department of Justice.

Unfortunately, in 2001 a funding shortfall in the RECA program resulted in hundreds of individuals not receiving their compensation, even though their claims had been approved by the RECA office at the Department of Justice.

Senator Pete Domenici offered an amendment, which I strongly supported, to address this funding shortfall by providing capped, permanent appropriations through the Department of Defense for a 10 year period beginning in Fiscal Year 2002 and totaling \$655 million. Despite this effort, funding shortfalls persisted. A report released by the General Accounting Office in April 2003 estimated that the funding levels appropriated to the RECA trust fund would be insufficient to meet the projected claims. Both the Congressional Budget Office and the Department of Justice have confirmed that the RECA trust fund is running out of money.

I am pleased to report that the Administration took our concerns seriously and the President's 2005 budget recommended that the RECA trust fund be provided \$72 million in discretionary money to make it whole in Fiscal Years 2004 and 2005. The Senate Budget resolution also included this money. More recently, the House of Representatives passed H.R. 4754, the Commerce-State-Justice Appropriations bill for Fiscal Year 2005 and that legislation contained \$72 million to cover the shortfalls in the RECA trust fund for FY2003, 2004, and the projected shortfall for 2005.

However, this money would still not resolve the funding issues associated with the RECA trust fund. According to the April 2003 GAO report, the fund would require a further \$107 million through Fiscal Year 2011.

So, while I am pleased that the administration and my colleagues in Congress have recognized our obligation to those owed compensation under RECA, we have yet more work to do.

We do not want to again experience the problems of go back to 2001, when claimants where individuals were being told they were eligible for compensation, their claims but then had to wait it took several months to receive their this money. I do not want to put our RECA claimants through that again, and I will am planning fight tooth and nail for the funding to make RECA whole once again.

Before I close, I want to raise another troubling inequity that I hope the Department of Justice will comment on in detail - the difference in compensation among energy workers, on-site participants, and downwinders. Energy workers are compensated \$150,000 and have all of their medical bills paid. On-site workers are compensated \$75,000 but do not have medical benefits. And downwinders, who were innocent bystanders to atomic testing, are only compensated \$50,000 and do not have any medical bills paid. I do not understand this the inequity and will not rest until it is addressed.

There is positive news regarding RECA. In the omnibus appropriations bill for Fiscal Year 2002, I included funding for a grant program for education, prevention, and early detection of radiogenic cancer and illnesses, to be administered through the Health Resources and Services Administration. Currently, four states, Utah, Colorado, New Mexico, and Arizona, have grantees.

In addition, my amendment provided funding so that the Department of Health and Human Services could contract with the National Research Council to review the most recent scientific information related to radiation exposure and associated cancers and other diseases. The study also would make recommendations as to whether or not to expand RECA to cover additional illnesses as well as claimants from other geographic areas or worker groups. as well. These recommendations will be released in June 2005 by HHS. Further, the committee reviewing this program for HHS will conduct a public meeting next week in Salt Lake City, Utah on July 29, and I strongly urge anyone any individual who believes he or she should be eligible for compensation under RECA to attend this meeting.

Finally, I want members of the Committee to know how cooperative I have found the RECA staff to be.. This staff has come to my state at least three times in the last three years, and each time, they have patiently listened to the concerns of my constituents who have been exposed to

radiation. I am deeply grateful to the entire staff, especially Gerry Fischer, who is currently serving our country in Iraq, and Diane Spellburg, the acting Director of the RECA program.