
The Downwinders Act

In 1990, the Radiation Exposure Compensation Act (RECA) was signed into law, providing a one-time cash benefit 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 between 1951 and 1992. To date, RECA has awarded over \$2.4 billion in benefits to more than 38,000 claimants.¹ It is scheduled to sunset on July 7, 2022.

Downwinders, persons who developed cancer due to being physically present for a period of time in specific counties or geographic areas that were affected by above-ground atomic weapons testing, may receive \$50,000 in compensation.² Each downwinder who qualifies under RECA is entitled to one benefit payment on his or her behalf.

Evidence-based data suggests that not all counties affected by above-ground atomic testing in the United States have been included for downwinder compensation. Extensive research conducted by the University of Utah has found that every county in Utah experienced dangerous levels of fallout residue from one of the 100 above-ground tests conducted at the Nevada Testing Sites between 1951 and 1992. Additionally, until 2006, the Department of Energy heavily denied the effects of above-ground testing in New Mexico at the Trinity Test Site. In 2010, the CDC stated that “New Mexico residents were neither warned before the 1945 Trinity blast, informed of health hazards afterward, nor evacuated before, during, or after the test. Exposure rates in public areas from the world’s first nuclear explosion were measured at levels 10,000- times higher than currently allowed.”³ Research has found that after the Trinity Test there was a sharp rise in infant mortality in 1945, increasing on average by 21 percent, in counties where fallout was measured by scientific personnel after continuous multi-year declines in infant mortality.⁴

All Americans that live within geographic areas that have been found, with evidence-based data, to be adversely affected by atomic weapons testing should be eligible for compensation.

Bill Specifics

- Reauthorize RECA for 10 years.
- Expand downwinder classification in Utah and New Mexico.⁵
- Require the Department of Health and Human Services, in consultation with the Department of Energy, to study and produce evidence-based data that would identify additional counties that were affected by radiation fall-out due to open air atomic testing in Nevada and New Mexico.
- Pay for the reauthorization and cost of expansion through the auction of 100 megahertz of spectrum.

¹ Department of Justice, Radiation Exposure Compensation System, *Awards to Date Summary of Claims Received by 09/03/2021*, September 7, 2021. <https://www.justice.gov/civil/awards-date-09072021>

² Downwinders account for over 24,000 of the claims with a total compensation of over \$1.2 billion.

³ Tucker, Kathleen M and Alvarez, Robert. “Trinity: ‘The most significant hazard of the entire Manhattan Project’.” *Bulletin of the Atomic Scientists*. (July 15, 2019). <https://thebulletin.org/2019/07/trinity-the-most-significant-hazard-of-the-entire-manhattan-project/>

⁴ Ibid.

⁵ New Mexico counties: Bernalillo, Chaves, Guadalupe, Lincoln, Sandoval, San Miguel, Santa Fe, Socorro, Torrance, and Valencia.
