



From COVID to RECA: Seeking justice for the Navajo Nation

By Orrin G. Hatch | Friday, May 15, 2020

Over the course of our nation's history, Native Americans have suffered a long string of injustices. Among the most egregious, however, was the federal government's neglect during the Cold War years when hundreds of the Navajo developed severe forms of cancer and respiratory illness as a result of uranium mining and nearby nuclear testing.

Today, a different respiratory illness is ravaging the Navajo Nation in the form of COVID-19. Justice for our indigenous populations requires swift congressional action on two fronts: first, bolstering federal assistance for Native American tribes in the fight against coronavirus, and second, updating the Radiation Exposure Compensation Act (RECA).

The coronavirus outbreak has brought cities across America to a standstill, but its effects have been acutely felt by the Navajo Nation—the largest American Indian reservation in the country. As of last week, the Navajo Nation reported the third-highest rate of per-capita COVID-19 infections in the United States, with more than 2,700 reported cases and more than 80 fatalities. Only the populations of New York and New Jersey have been harder hit by the pandemic. The situation is so dire that tribal leaders have implemented strict curfews and checkpoints to curb infections while the governor of New Mexico has invoked riot law to reduce travel to and from the reservation.

To make matters worse, federal funding for the Navajo Nation has been slow coming. In March, Congress allocated \$8 billion in the CARES Act for tribal governments and health care centers to combat the virus. But a significant portion of that money took weeks to reach the most severely impacted indigenous communities, and 40 percent of the funds have yet to even be released. The result? A nursing shortage and a severe lack of basic protective gear that has only exacerbated the crisis.

Even before the outbreak, Native American reservations were suffering from a glaring shortfall in federal health care funding. Consider that in 2016, the U.S. government

spent \$2,834 per person on health care in Indian Country while it spent \$9,990 per person in the rest of the country. Our Native American friends deserve better than this.

The good news is, Congress can help alleviate the pain felt by these communities in the short term by ensuring that future relief funding gets to the tribes that need it most without delay. And lawmakers can demonstrate their commitment to the health and wellbeing of the Navajo Nation over the long term by acting decisively to bring long-overdue reforms to RECA.

As the original Senate sponsor of RECA, this issue is personal to me. Utah's Navajo families are my friends and former constituents, and I watched as many of them passed away from cancer and respiratory illness as a result of working in uranium mines and living downwind of the military's nuclear testing sites during the Cold War. I knew the federal government could never compensate these families for what they had suffered, but I knew we could at least hold the government accountable for its gross negligence. That's why I authored RECA, which provides compensation for individuals who became ill from the radiation exposure caused by the military's work on nuclear weapons development.

For nearly 30 years, this bipartisan legislation has helped provide a small measure of justice for members of the Navajo Nation whose lives were upended by the federal government's carelessness. Even though these events transpired long ago, many Navajo families are still reeling from the effects of radioactive fallout—and RECA is still helping them. But the law expires in 2022 and is in urgent need of reform.

Updating this legislation is a moral imperative. If we let it expire, we leave hundreds of Navajo men and women unable to pay their medical bills for issues directly related to radiation poisoning. RECA, as it is currently written, extends benefits only to uranium miners, millers, and transporters who worked until 1972. But an updated bill would extend benefits to those who worked after 1972, many of whom have developed cancer as a result of radiation exposure.

Just as lawmakers came together in a bipartisan fashion to reauthorize the 9/11 Victim Compensation Fund, they should come together again to extend RECA beyond 2022. Doing so would provide much-needed assistance for members of the Navajo Nation, including families that are simultaneously suffering from the effects of COVID-19.

This is a critical time for the Navajo Nation. But by taking simple steps to ensure continued COVID-relief funding and continued compensation for victims of radioactive exposure, Congress can help strengthen the public health infrastructure of our Native American communities.

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