

108TH CONGRESS
2D SESSION

H. R. 4463

To provide for identification of members of the Armed Forces exposed during military service to depleted uranium, to provide for health testing of such members, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 20, 2004

Mr. SERRANO (for himself, Mr. CROWLEY, and Mr. ENGEL) introduced the following bill; which was referred to the Committee on Armed Services

A BILL

To provide for identification of members of the Armed Forces exposed during military service to depleted uranium, to provide for health testing of such members, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Depleted Uranium
5 Screening and Testing Act of 2004”.

1 **SEC. 2. DEPLETED URANIUM RISK NOTIFICATION FOR DE-**
2 **PLOYING FORCES.**

3 (a) NOTIFICATION.— The Secretary of Defense shall
4 establish procedures to require that, as part of the proce-
5 dures for preparing members of the Armed Forces for de-
6 ployment to a theater of operations, that such members
7 be notified of—

8 (1) any known or likely use of depleted uranium
9 in that theater of operations (whether by forces of
10 the United States and its allies or by any opposing
11 forces); and

12 (2) any health risks associated with exposure to
13 depleted uranium.

14 (b) TRAINING.—The Secretary shall provide for
15 training deploying forces on how to handle depleted ura-
16 nium before deploying them to a theater in which depleted
17 uranium is used.

18 **SEC. 3. DEPLETED URANIUM SCREENING AND TESTING.**

19 (a) IDENTIFICATION AND TESTING REQUIRED.—The
20 Secretary of Defense shall carry out a program to identify
21 individuals who during active service in the Armed Forces
22 are or have been exposed to depleted uranium and to pro-
23 vide those individuals with bioassay testing and notifica-
24 tion of the results of such testing.

25 (b) DU-EXPOSED PERSONNEL IDENTIFICATION
26 METHODS.—(1) The Secretary of each military depart-

1 ment shall establish procedures to identify members of the
2 Armed Forces under the Secretary's jurisdiction who are,
3 or may have been, exposed to depleted uranium. For such
4 purpose, the Secretary shall identify units and members
5 under paragraph (2) and shall accept self-identification re-
6 ports by members under paragraph (3).

7 (2) The Secretary of each military department shall
8 identify units, and personnel assigned to units, that have
9 been, or could have been, exposed to depleted uranium,
10 based upon information about known exposure events (as
11 determined under subsection (c)).

12 (3) The Secretary of each military department shall
13 accept a report by an individual that the individual, while
14 a member of the Armed Forces under the Secretary's ju-
15 risdiction, was, or may have been, exposed to depleted ura-
16 nium based upon service on active duty (or training duty
17 or funeral honors duty) in a theater of operations where
18 depleted uranium was used, including travel through such
19 an area. The Secretary shall prescribe procedures for re-
20 ceiving such reports.

21 (4) In carrying out this subsection, the Secretary of
22 each military department shall ensure that individuals no
23 longer on active duty (including members of the reserve
24 components who have been released from active duty,
25 members who have been retired, and members who have

1 been separated from service) are treated, for identification
2 purposes, in the same manner as individuals remaining on
3 active duty.

4 (c) EXPOSURE EVENTS.—The Secretary of Defense
5 shall identify depleted uranium exposure events for pur-
6 poses of this section. The exposure events identified shall
7 include the following:

8 (1) An event in which an individual—

9 (A) is struck by depleted uranium muni-
10 tions or depleted uranium armor fragments;

11 (B) is within 50 meters of a vehicle or
12 structure containing or equipped with depleted
13 uranium cargo or components (such as aircraft
14 counterweights and helicopter rotor tips) at a
15 time that the vehicle or structure was struck,
16 exploded, burned, or crashed; or

17 (C) while acting as a first responder to an
18 event described in subparagraph (B), enters
19 within 50 meters of the vehicle or structure to
20 render aid.

21 (2) An event in which an individual—

22 (A) enters a vehicle or structure with pos-
23 sible depleted uranium residues in order to per-
24 form maintenance, recovery, intelligence, or bat-
25 tle damage assessment; or

1 (B) breathes smoke from fires involving
2 depleted uranium materials.

3 (3) An event in which an individual may inhale
4 depleted uranium particulates as a result of the han-
5 dling of depleted uranium contaminated equipment
6 or wreckage or exposure to particulate residues as
7 part of maintenance duties (including duties as a
8 welder or ammunition handler or duties involving
9 cleanup or processing of depleted uranium contami-
10 nated equipment).

11 (4) Other incidental exposures identified by the
12 Secretary, including the performance of activities in
13 the area of depleted uranium damaged vehicles or
14 structures or the traveling through or residing in
15 any such area.

16 In addition to exposure events described in paragraphs (1)
17 through (4) occurring on or after the the date of the enact-
18 ment of this Act, such events during the period between
19 January 1, 2003, and the date of the enactment of this
20 Act may be considered for purposes of this section, but
21 only if reported during the 60-day period beginning on the
22 date of the enactment of this Act.

23 (d) HEALTH-CARE SERVICES REQUIRED.—(1) Any
24 individual identified under subsection (b) shall be provided
25 a health screening test by the Secretary of Defense. Such

1 test shall be carried out using a bioassay procedure devel-
2 oped by the Secretary of Defense in consultation with the
3 Centers for Disease Control and Prevention. The same
4 bioassay procedure shall be used for all types of exposure
5 or possible exposure under subsection (c).

6 (2)(A) In the case of an individual with an exposure
7 event described in subsection (c) other than under para-
8 graph (4) of that subsection, the bioassay under para-
9 graph (1) shall be administered not later than 180 days
10 after the date of the event.

11 (B) In the case of an individual with an exposure
12 event described in subsection (c)(4), the bioassay under
13 paragraph (1) shall be administered not later than 30 days
14 after the end of the individual's deployment in the theater
15 of operations, but such individual may be provided the bio-
16 assay earlier upon the individual's request.

17 (3) The Secretary of Defense shall provide the results
18 of any bioassay procedure under this subsection to the in-
19 dividual tested, and the primary care manager or primary
20 care provider of that individual, not later than 30 days
21 after the Secretary receives those results.

22 (e) PERSONNEL TRACKING.—The Secretary of each
23 military department shall establish procedures for col-
24 lecting, tracking, and maintaining information on the
25 health status of individuals tested under subsection (d) for

1 the purpose of assessing any long-term health con-
2 sequences of exposure to depleted uranium.

3 (f) INDEPENDENT REVIEW OF BIOASSAY TYPES AND
4 CONTAMINATION THRESHOLDS.—The Director of the
5 Centers for Disease Control and Prevention shall conduct
6 an independent review of bioassay types and contamina-
7 tion thresholds for purposes of the testing under sub-
8 section (d).

9 (g) TREATMENT.—Based on the results of the bio-
10 assay tests, the Secretary of the military department con-
11 cerned shall provide appropriate treatment for any illness
12 of an individual resulting from a depleted uranium con-
13 tamination or exposure.

14 **SEC. 4. SURVEY OF RADIOISOTOPE IDENTIFICATION**
15 **EQUIPMENT USED BY DEPARTMENT OF DE-**
16 **FENSE.**

17 (a) SURVEY.—The Comptroller General shall conduct
18 a survey of radioisotope identification equipment used by
19 the Department of Defense in order to assess the capa-
20 bility of Department of Defense facilities to identify con-
21 centrations of different radioisotopes in naturally occur-
22 ring levels of uranium.

23 (b) REPORT.—The Comptroller General shall submit
24 to Congress a report on the results of the survey under

- 1 subsection (a) not later than 180 days after the date of
- 2 the enactment of this Act.

