

109TH CONGRESS
2D SESSION

H. R. 5303

To require the suspension of the use, sale, development, production, testing, and export of depleted uranium munitions pending the outcome of certain studies of the health effects of such munitions, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 4, 2006

Ms. MCKINNEY introduced the following bill; which was referred to the Committee on Armed Services, and in addition to the Committees on Energy and Commerce and International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To require the suspension of the use, sale, development, production, testing, and export of depleted uranium munitions pending the outcome of certain studies of the health effects of such munitions, 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Depleted Uranium Munitions Suspension and Study Act
6 of 2006”.

1 (b) TABLE OF CONTENTS.—The table of contents of
 2 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings.
- Sec. 3. Purposes.
- Sec. 4. Suspension of use of depleted uranium munitions.
- Sec. 5. Suspension of sale and export of depleted uranium munitions.
- Sec. 6. Comptroller general investigation of plutonium contamination.
- Sec. 7. Study of health effects of depleted uranium.
- Sec. 8. Epa studies of environmental contamination by depleted uranium.
- Sec. 9. Environmental mitigation and cleanup requirements.

3 **SEC. 2. FINDINGS.**

4 Congress makes the following findings:

5 (1) The highest regard should be given to the
 6 health and safety of the Nation's military personnel.

7 (2) Among the characteristics of depleted ura-
 8 nium munitions are that (A) they are pyrophoric, re-
 9 sulting in the munition burning upon impact with a
 10 target, and (B) the impact of a depleted uranium
 11 munition on a target creates aerosol particles, which
 12 can be inhaled.

13 (3) Depleted uranium munitions were used by
 14 the United States in 1991 during the Persian Gulf
 15 War in Southwest Asia and during the conflicts in
 16 the former Federal Republic of Yugoslavia (Bosnia,
 17 Kosovo, Serbia, and Montenegro) during the 1990s,
 18 with approximately 300 metric tons of depleted ura-
 19 nium being used during the Gulf War, three metric
 20 tons being used in Bosnia, and over nine metric tons
 21 being used in Kosovo, Serbia, and Montenegro.

1 (4) The United States has provided or sold de-
2 pleted uranium and depleted uranium munitions to
3 allied nations, and the United Kingdom used de-
4 pleted uranium munitions during the Persian Gulf
5 War.

6 (5) Depleted uranium munitions have been used
7 at numerous United States military installations,
8 proving grounds, and testing facilities.

9 (6) The Yugoslav and Iraqi Governments have
10 claimed that depleted uranium is affecting the health
11 of their people, although such claims have yet to be
12 independently verified.

13 (7) No definitive cause has been established for
14 the various illnesses (commonly referred to as “Gulf
15 War Syndrome”) that currently affect approximately
16 130,000 United States servicemembers and veterans
17 who served in Southwest Asia during the Persian
18 Gulf War.

19 (8) The British Royal Navy, Canadian Navy,
20 and United States Navy have all announced that
21 they would phase out use of depleted uranium muni-
22 tions.

23 (9) It has been reported that depleted uranium
24 munitions use has proliferated to more than 20 na-
25 tions.

1 (10) Crash investigators of the Federal Aviation
2 Administration are instructed, in FAA Advisory Cir-
3 cular 20–123, dated December 20, 1984, to “handle
4 with caution” any depleted uranium that they en-
5 counter in crash investigations, and are instructed
6 that “the main hazard associated with depleted ura-
7 nium is the harmful effect the material could have
8 if it enters the body,” and that “[i]f particles are in-
9 haled or digested, they can be chemically toxic and
10 cause a significant and long-lasting irradiation of in-
11 ternal tissues,”.

12 (11) The 1949 Geneva Convention specifically
13 outlines the precautions warring nations must take
14 to avoid harming civilian populations, and it would
15 be a violation of the 1977 Protocol to that Conven-
16 tion to cause superfluous injury or unnecessary suf-
17 fering to civilians, as depleted uranium has the po-
18 tential to cause.

19 (12) The Department of Defense has acknowl-
20 edged that stocks of depleted uranium munitions
21 have been contaminated with transuranic elements,
22 including plutonium.

23 (13) Plutonium is an extremely toxic, carcino-
24 genic, and radioactive material with a half-life of 4.5
25 billion years.

1 **SEC. 3. PURPOSES.**

2 The purposes of this Act are the following:

3 (1) To eliminate health threats from depleted
4 uranium munitions to—

5 (A) United States military personnel and
6 United States civilian employees;

7 (B) military personnel and employees of
8 member nations of the North Atlantic Treaty
9 Organization; and

10 (C) civilian populations in regions where
11 such munitions were used (whether in conflict,
12 training, or development) or produced.

13 (2) To provide for studies of—

14 (A) the level and scope of contamination of
15 depleted uranium munitions by plutonium and
16 other transuranic elements;

17 (B) the health effects resulting from expo-
18 sure by inhalation, ingestion, or injection to de-
19pleted uranium munitions; and

20 (C) environmental contamination caused
21 by depleted uranium at sites where depleted
22 uranium was used in conflict, development, test-
23 ing, or training and at sites where depleted ura-
24 nium and depleted uranium munitions were
25 produced.

1 (3) To require the Administrator of the Envi-
2 ronmental Protection Agency to issue regulations
3 and requirements, based upon Environmental Pro-
4 tection Agency studies, concerning the cleanup and
5 mitigation of depleted uranium contamination at
6 sites of depleted uranium munition use and produc-
7 tion in the United States.

8 **SEC. 4. SUSPENSION OF USE OF DEPLETED URANIUM MU-**
9 **NITIONS.**

10 (a) **SUSPENSION OF USE.**—Effective no later than 90
11 days after the date of the enactment of this Act, the Sec-
12 retary of Defense shall direct that all elements of the De-
13 partment of Defense suspend use of depleted uranium mu-
14 nitions.

15 (b) **DURATION.**—(1) The suspension of use of de-
16 pleted uranium munitions required by subsection (a) shall
17 remain in effect until the Secretary of Health and Human
18 Services, based upon the results of the study under section
19 7(a), certifies to the committees specified in paragraph (2)
20 that use of depleted uranium munitions in future con-
21 flicts—

22 (A) will not pose a likely long-term or residual
23 threat to the health of United States or NATO mili-
24 tary personnel; and

1 (B) will not jeopardize the health of civilian
2 populations in the area of such use.

3 (2) The committees specified in this paragraph are
4 the following:

5 (A) The Committee on Armed Services and the
6 Committee on Government Reform of the House of
7 Representatives.

8 (B) The Committee on Armed Services and the
9 Committee on Homeland Security and Governmental
10 Affairs of the Senate.

11 (c) FUTURE USE LIMITED TO STOCKS FREE OF
12 TRANSURANIC MATTER.—Upon a certification by the Sec-
13 retary of Health and Human Services described in sub-
14 section (b), the Secretary of Defense shall limit any subse-
15 quent use of depleted uranium munitions to stocks of such
16 munitions that the Secretary certifies to be free of pluto-
17 nium and other transuranic matter.

18 **SEC. 5. SUSPENSION OF SALE AND EXPORT OF DEPLETED**
19 **URANIUM MUNITIONS.**

20 (a) SUSPENSION OF SALE AND EXPORT.—Upon the
21 enactment of this Act, all elements of the Government
22 with responsibility for approving the foreign sale or export
23 of munitions shall suspend the approval of the sale and
24 export of munitions containing depleted uranium.

1 (b) DURATION.—The suspension required by sub-
2 section (a) of approval of the foreign sale and export of
3 depleted uranium munitions shall remain in effect until
4 the Secretary of Health and Human Services makes a cer-
5 tification described in section 4(b).

6 (c) FUTURE EXPORTS TO BE LIMITED TO STOCKS
7 FREE OF TRANSURANIC MATTER.—Upon a certification
8 by the Secretary of Health and Human Services described
9 in section 4(b), any subsequent foreign sale or export of
10 depleted uranium munitions or preproduction depleted
11 uranium may be made only from stocks of such munitions
12 or preproduction depleted uranium that the Secretary of
13 Defense certifies to be free of plutonium and other trans-
14 uranic matter, excluding depleted uranium.

15 **SEC. 6. COMPTROLLER GENERAL INVESTIGATION OF PLU-**
16 **TONIUM CONTAMINATION.**

17 (a) INVESTIGATION.—The Comptroller General of the
18 United States shall conduct a full investigation into the
19 contamination of stocks of depleted uranium munitions
20 with transuranic elements, including plutonium, neptu-
21 nium, americium, and other forms of uranium. The inves-
22 tigation shall include—

23 (1) determination of when such contamination
24 occurred;

1 (2) identification of the manufacturing or refin-
2 ing facilities at which such contamination occurred;

3 (3) identification of the quantity, by volume and
4 percentage, of the material by which such contami-
5 nation occurred;

6 (4) identification of when such contamination
7 was first realized by Department of Defense per-
8 sonnel and when such contamination was brought to
9 the attention of senior Department of Defense man-
10 agement;

11 (5) identification of persons responsible for
12 monitoring the quality of such production;

13 (6) identification of the time when notification
14 of such contamination was made to member nations
15 of the North Atlantic Treaty Organization; and

16 (7) determination of whether any law or treaty
17 was broken by any such contamination or by any
18 failure to provide timely notice of such contamina-
19 tion to any affected party.

20 (b) REPORT.—Upon completion of the investigation
21 under subsection (a), the Comptroller General shall sub-
22 mit to the committee specified in section 4(b)(2) a report
23 on the investigation.

1 **SEC. 7. STUDY OF HEALTH EFFECTS OF DEPLETED URA-**
2 **NIUM.**

3 (a) STUDY.—The Director of the Agency for Toxic
4 Substances and Disease Registry and the Director of the
5 Center for Disease Control and Prevention shall jointly
6 conduct a comprehensive study of the health effects of ex-
7 posure to depleted uranium munitions on uranium-exposed
8 veterans and on their children who were born after their
9 respective exposures to uranium.

10 (b) URANIUM-EXPOSED VETERANS.—For purposes
11 of this section, the term “uranium-exposed veteran”
12 means a member or former member of the Armed Forces
13 who while on active duty handled, came in contact with,
14 or had the likelihood of contact with depleted uranium mu-
15 nitions, including members and former members who while
16 on active duty—

17 (1) were exposed to smoke from fires resulting
18 from the burning of vehicles uploaded with depleted
19 uranium munitions or fires at depots at which de-
20pleted uranium was stored;

21 (2) worked within environments containing de-
22pleted uranium dust or residues from depleted ura-
23nium fires;

24 (3) were within a structure or vehicle while it
25 was struck by a depleted uranium munition;

1 (4) climbed on or entered equipment or struc-
2 tures struck by depleted uranium; or

3 (5) were medical personnel who provided near-
4 term treatment to members of the Armed Forces de-
5 scribed in paragraph (1), (2), (3), or (4).

6 (c) PUBLIC HEALTH ASSESSMENT.—The Director of
7 the Agency for Toxic Substances and Disease Registry
8 shall conduct a public health assessment of persons who
9 are thought to have an epidemiological link to any United
10 States military installation or facility at which depleted
11 uranium munitions have been or currently are used or any
12 production facility at which depleted uranium or depleted
13 uranium munitions are currently, or have been, produced.

14 (d) REPORT.—The Directors shall submit to Con-
15 gress a report on the results of the study under subsection
16 (a) and the assessment under subsection (c). The report
17 shall be submitted not later than two years after the date
18 of the enactment of this Act and shall include the findings
19 of the Directors on the matters covered by the report. The
20 Directors shall include in the report a list of diseases or
21 conditions that are found to exist within the populations
22 specified in subsection (a) and their rate of occurrence
23 compared to the general population.

1 **SEC. 8. EPA STUDIES OF ENVIRONMENTAL CONTAMINA-**
2 **TION BY DEPLETED URANIUM.**

3 (a) LIST OF LOCATIONS IN UNITED STATES.—Not
4 later than 180 days after the date of the enactment of
5 this Act, the Secretary of Defense shall provide to the Ad-
6 ministrator of the Environmental Protection Agency a list
7 of all sites in the United States where depleted uranium
8 munitions have been used or produced and a site-specific
9 map of each such site.

10 (b) EPA STUDIES.—After receipt of the list and
11 maps under subsection (a), the Administrator shall, for
12 each site specified on the list, conduct a comprehensive
13 environmental study of the possible contamination of the
14 soil, air, water, and vegetation by depleted uranium at
15 that site.

16 (c) REPORT.—Not later than two years after the date
17 of the enactment of this Act, the Administrator of the En-
18 vironmental Protection Agency shall submit to the Sec-
19 retary of Defense and the Committee on Armed Services
20 and the Committee on Government Reform of the House
21 of Representatives and the Committee on Armed Services
22 and the Committee on Homeland Security and Govern-
23 mental Affairs of the Senate a report—

24 (1) describing the extent of contamination by
25 depleted uranium at each site studied by the Admin-
26 istrator pursuant to subsection (b);

- 1 (2) providing site-specific recommendations for
2 the mitigation and cleanup of each such site; and
3 (3) providing general recommendations regard-
4 ing the cleanup of sites where depleted uranium has
5 been used on foreign lands.

6 **SEC. 9. ENVIRONMENTAL MITIGATION AND CLEANUP RE-**
7 **QUIREMENTS.**

8 (a) DEPARTMENT OF DEFENSE CLEANUP PLAN.—
9 Not later than one year after receiving the report under
10 section 8(c), the Secretary of Defense shall develop a plan
11 for mitigation and cleanup at each site and a prioritized
12 list for such cleanups. The Secretary shall submit a copy
13 of the plan to the Committee on Armed Services and the
14 Committee on Government Reform of the House of Rep-
15 resentatives and the Committee on Armed Services and
16 the Committee on Homeland Security and Governmental
17 Affairs of the Senate.

18 (b) REPORT.—The Secretary shall submit a report to
19 those committees and the Administrator of the Environ-
20 mental Protection Agency each year before commencement
21 of the mitigations and cleanups until those projects are
22 complete.

23 (c) CLEANUP.—After filing of such plans, the Sec-
24 retary shall commence, or contract for, the mitigation and
25 cleanup of each site for which the Administrator of the

1 Environmental Protection Agency has recommended such
2 mitigation and cleanup and in the manner and scope that
3 the Administrator's report specifies.

4 (d) APPLICABILITY OF NEPA.—Notwithstanding
5 any other provision of law, the cleanup and mitigation re-
6 quired by subsection (c) shall be carried out in a manner
7 consistent with the provisions of the National Environ-
8 mental Policy Act of 1969, without regard to any exemp-
9 tion to any of the provisions of that Act for the Depart-
10 ment of Defense or any element thereof.

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