

116TH CONGRESS  
1ST SESSION

# S. 1680

To amend title 10, United States Code, to enhance recordkeeping with respect to exposure by members of the Armed Forces to certain occupational and environmental hazards while deployed overseas, and for other purposes.

---

## IN THE SENATE OF THE UNITED STATES

MAY 23 (legislative day, MAY 22), 2019

Mr. TESTER (for himself, Mrs. BLACKBURN, and Ms. KLOBUCHAR) introduced the following bill; which was read twice and referred to the Committee on Armed Services

---

## A BILL

To amend title 10, United States Code, to enhance recordkeeping with respect to exposure by members of the Armed Forces to certain occupational and environmental hazards while deployed overseas, 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 “Service Member’s Oc-  
5 cupational and Environmental Transparency Health Act”  
6 or the “OATH Act”.

1 **SEC. 2. INFORMATION REQUIRED TO BE ADDED TO MED-**  
2 **ICAL RECORDS OF CERTAIN MEMBERS OF**  
3 **THE ARMED FORCES.**

4 (a) OCCUPATIONAL AND ENVIRONMENTAL HEALTH  
5 RISKS IN DEPLOYMENT AREA.—

6 (1) ELEMENTS OF MEDICAL TRACKING SYS-  
7 TEM.—Subsection (b)(1)(A) of section 1074f of title  
8 10, United States Code, is amended—

9 (A) in clause (ii), by striking “and” at the  
10 end;

11 (B) in clause (iii), by striking the period at  
12 the end and inserting “; and”; and

13 (C) by adding at the end the following new  
14 clause:

15 “(iv) accurately record any exposure to oc-  
16 cupational and environmental health risks dur-  
17 ing the course of their deployment.”.

18 (2) RECORDKEEPING.—Subsection (c) of such  
19 section is amended by inserting after “deployment  
20 area” the following: “(including the results of any  
21 assessment performed by the Secretary of occupa-  
22 tional and environmental health risks for such  
23 area)”.

24 (3) EFFECTIVE DATE.—The amendments made  
25 by this subsection shall take effect on the date of the  
26 enactment of this subsection.

1 (b) BURN PIT REGISTRY.—

2 (1) UPDATES TO ELECTRONIC HEALTH  
3 RECORDS.—Beginning not later than one year after  
4 the date of the enactment of this Act—

5 (A) the Secretary of Defense shall ensure  
6 that the electronic health record maintained by  
7 such Secretary of a member of the Armed  
8 Forces registered with the burn pit registry is  
9 updated with any information contained in such  
10 registry; and

11 (B) the Secretary of Veterans Affairs shall  
12 ensure that the electronic health record main-  
13 tained by such Secretary of a veteran registered  
14 with the burn pit registry is updated with any  
15 information contained in such registry.

16 (2) BURN PIT REGISTRY DEFINED.—In this  
17 subsection, the term “burn pit registry” means the  
18 registry established under section 201 of the Dig-  
19 nified Burial and Other Veterans’ Benefits Improve-  
20 ment Act of 2012 (Public Law 112–260; 38 U.S.C.  
21 527 note).

1 **SEC. 3. ADDITIONAL REQUIREMENTS FOR POSTDEPLOY-**  
2 **MENT MEDICAL EXAMINATION AND HEALTH**  
3 **REASSESSMENTS.**

4 (a) POSTDEPLOYMENT MEDICAL EXAMINATION AND  
5 REASSESSMENTS.—Section 1074f of title 10, United  
6 States Code, as amended by section 2, is further amended  
7 by adding at the end the following new subsection:

8 “(g) ADDITIONAL REQUIREMENTS FOR  
9 POSTDEPLOYMENT MEDICAL EXAMINATIONS AND  
10 HEALTH REASSESSMENTS.—(1) The Secretary of Defense  
11 shall—

12 “(A) standardize and make available to a pro-  
13 vider that conducts a postdeployment medical exam-  
14 ination or reassessment under the system described  
15 in subsection (a) questions relating to occupational  
16 and environmental health exposure; and

17 “(B) prior to an examination or reassessment  
18 of a member of the armed forces, require such pro-  
19 vider to review information applicable to such mem-  
20 ber—

21 “(i) in a Periodic Occupational and Envi-  
22 ronmental Monitoring Summary (or any suc-  
23 cessor document); and

24 “(ii) on the Defense Occupational and En-  
25 vironmental Health Readiness System (or any  
26 successor system).

1       “(2) The Secretary shall ensure that the medical  
2 record of a member includes information on the external  
3 cause relating to a diagnosis of the member, including by  
4 associating an external cause code (as issued under the  
5 International Statistical Classification of Diseases and Re-  
6 lated Health Problems, 10th Revision (or any successor  
7 revision)).”.

8       (b) **EFFECTIVE DATE.**—The amendments made by  
9 this section shall take effect on the date that is 180 days  
10 after the date of the enactment of this section.

11 **SEC. 4. REPORT BY COMPTROLLER GENERAL OF THE**  
12 **UNITED STATES.**

13       (a) **REPORT.**—Not later than two years after the date  
14 of the enactment of this Act, the Comptroller General of  
15 the United States shall submit to the congressional de-  
16 fense committees, the Committee on Veterans’ Affairs of  
17 the Senate, and the Committee on Veterans’ Affairs of the  
18 House of Representatives a report containing an evalua-  
19 tion of the implementation of this Act (and the amend-  
20 ments made by this Act), including an assessment of the  
21 extent to which the Secretary of Defense and Secretary  
22 of Veterans Affairs are in compliance with the applicable  
23 requirements of this Act (and the amendments made by  
24 this Act).

1           (b) CONGRESSIONAL DEFENSE COMMITTEES DE-  
2 FINED.—In this section, the term “congressional defense  
3 committees” has the meaning given that term in section  
4 101(a)(16) of title 10, United States Code.

○