

115TH CONGRESS  
1ST SESSION

# S. 726

To require the Secretary of Defense to declassify certain documents related to incidents in which members of the Armed Forces were exposed to toxic substances.

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IN THE SENATE OF THE UNITED STATES

MARCH 27, 2017

Mr. MORAN (for himself and Mr. TESTER) introduced the following bill; which was read twice and referred to the Committee on Armed Services

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## A BILL

To require the Secretary of Defense to declassify certain documents related to incidents in which members of the Armed Forces were exposed to toxic substances.

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 “Gary Deloney and  
5 John Olsen Toxic Exposure Declassification Act”.

1 **SEC. 2. DECLASSIFICATION BY DEPARTMENT OF DEFENSE**  
2 **OF CERTAIN INCIDENTS OF EXPOSURE OF**  
3 **MEMBERS OF THE ARMED FORCES TO TOXIC**  
4 **SUBSTANCES.**

5 (a) IN GENERAL.—The Secretary of Defense shall  
6 declassify documents related to any known incident in  
7 which not fewer than 100 members of the Armed Forces  
8 were exposed to a toxic substance that resulted in at least  
9 one case of a disability that a member of the medical pro-  
10 fession has determined to be associated with that toxic  
11 substance.

12 (b) LIMITATION.—The declassification required by  
13 subsection (a) shall be limited to information necessary  
14 for an individual who was potentially exposed to a toxic  
15 substance to determine the following:

16 (1) Whether that individual was exposed to that  
17 toxic substance.

18 (2) The potential severity of the exposure of  
19 that individual to that toxic substance.

20 (3) Any potential health conditions that may  
21 have resulted from exposure to that toxic substance.

22 (c) EXCEPTION.—The Secretary of Defense is not re-  
23 quired to declassify documents if the Secretary determines  
24 that declassification of those documents would materially  
25 and immediately threaten the security of the United  
26 States.

1 (d) DEFINITIONS.—In this section:

2 (1) ARMED FORCES.—The term “Armed  
3 Forces” has the meaning given that term in section  
4 101 of title 10, United States Code.

5 (2) EXPOSED.—The term “exposed” means,  
6 with respect to a toxic substance, that an individual  
7 came into contact with that toxic substance in a  
8 manner that could be hazardous to the health of  
9 that individual, that may include if that toxic sub-  
10 stance was inhaled, ingested, or touched the skin or  
11 eyes.

12 (3) EXPOSURE.—The term “exposure” means,  
13 with respect to a toxic substance, an event during  
14 which an individual was exposed to that toxic sub-  
15 stance.

16 (4) TOXIC SUBSTANCE.—The term “toxic sub-  
17 stance” means any substance determined by the Ad-  
18 ministrator of the Environmental Protection Agency  
19 to be harmful to the environment or hazardous to  
20 the health of an individual if inhaled or ingested by  
21 or absorbed through the skin of that individual.

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