

116TH CONGRESS
2D SESSION

S. 3911

To require the Secretary of Defense to establish a task force to address the effects of the release of perfluoroalkyl substances and polyfluoroalkyl substances from activities of the Department of Defense, to include exposure to such substances in periodic health assessments of members of the Armed Forces, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 8, 2020

Mrs. SHAHEEN introduced the following bill; which was read twice and referred to the Committee on Armed Services

A BILL

To require the Secretary of Defense to establish a task force to address the effects of the release of perfluoroalkyl substances and polyfluoroalkyl substances from activities of the Department of Defense, to include exposure to such substances in periodic health assessments of members of the Armed Forces, 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 “PFAS Exposure As-
5 sessment and Documentation Act”.

1 **SEC. 2. PERFLUOROALKYL AND POLYFLUOROALKYL SUB-**
2 **STANCES TASK FORCE OF DEPARTMENT OF**
3 **DEFENSE.**

4 (a) **IN GENERAL.**—The Secretary of Defense shall es-
5 tablish a task force to address the effects of the release
6 of perfluoroalkyl substances and polyfluoroalkyl sub-
7 stances from activities of the Department of Defense (in
8 this section referred to as the “PFAS Task Force”).

9 (b) **MEMBERSHIP.**—The members of the PFAS Task
10 Force are the following:

11 (1) The Assistant Secretary of Defense for
12 Sustainment.

13 (2) The Assistant Secretary of the Army for In-
14 stallations, Energy, and Environment.

15 (3) The Assistant Secretary of the Navy for
16 Energy, Installations, and Environment.

17 (4) The Assistant Secretary of the Air Force
18 for Installations, Environment, and Energy.

19 (5) A liaison from the Department of Veterans
20 Affairs to be determined by the Secretary of Vet-
21 erans Affairs.

22 (c) **CHAIRMAN.**—The Assistant Secretary of Defense
23 for Sustainment shall be the chairman of the PFAS Task
24 Force.

25 (d) **SUPPORT.**—The Under Secretary of Defense for
26 Personnel and Readiness and such other individuals as the

1 Secretary of Defense considers appropriate shall support
2 the activities of the PFAS Task Force.

3 (e) DUTIES.—The duties of the PFAS Task Force
4 are the following:

5 (1) Analysis of the health aspects of exposure
6 to perfluoroalkyl substances and polyfluoroalkyl sub-
7 stances.

8 (2) Establishment of clean-up standards and
9 performance requirements relating to mitigating the
10 effects of the release of perfluoroalkyl substances
11 and polyfluoroalkyl substances.

12 (3) Finding and funding the procurement of an
13 effective substitute firefighting foam without
14 perfluoroalkyl substances or polyfluoroalkyl sub-
15 stances.

16 (4) Establishment of standards that are sup-
17 ported by science for determining exposure to and
18 ensuring clean up of perfluoroalkyl substances and
19 polyfluoroalkyl substances.

20 (5) Establishment of interagency coordination
21 with respect to mitigating the effects of the release
22 of perfluoroalkyl substances and polyfluoroalkyl sub-
23 stances.

24 (6) Assessment of the perceptions by Congress
25 and the public of the efforts of the Department of

1 Defense with respect to mitigating the effects of the
2 release of perfluoroalkyl substances and
3 polyfluoroalkyl substances from activities of the De-
4 partment.

5 (f) REPORT.—Not later than 90 days after the date
6 of the enactment of this Act, and quarterly thereafter, the
7 Chairman of the PFAS Task Force shall submit to Con-
8 gress a report on the activities of the task force.

9 **SEC. 3. INCLUSION OF EXPOSURE TO PERFLUOROALKYL**
10 **AND POLYFLUOROALKYL SUBSTANCES AS**
11 **PART OF PERIODIC HEALTH ASSESSMENTS.**

12 (a) PERIODIC HEALTH ASSESSMENT.—The Sec-
13 retary of Defense shall ensure that any periodic health as-
14 sessment provided to a member of the Armed Forces in-
15 cludes an evaluation of whether the member has been—

16 (1) based or stationed at a military installation
17 identified by the Department of Defense as a loca-
18 tion with a known or suspected release of
19 perfluoroalkyl substances or polyfluoroalkyl sub-
20 stances during the period in which the member was
21 based or stationed at the military installation; or

22 (2) exposed to such substances, including by
23 evaluating any information in the health record of
24 the member.

1 (b) SEPARATION HISTORY AND PHYSICAL EXAMINA-
2 TIONS.—Section 1145(a)(5) of title 10, United States
3 Code, is amended by adding at the end the following new
4 subparagraph:

5 “(C) The Secretary concerned shall ensure that each
6 physical examination of a member under subparagraph
7 (A) includes an assessment of whether the member was—

8 (i) based or stationed at a military installation
9 identified by the Department as a location with a
10 known or suspected release of perfluoroalkyl sub-
11 stances or polyfluoroalkyl substances during the pe-
12 riod in which the member was based or stationed at
13 the military installation; or

14 (ii) exposed to such substances, including by
15 assessing any information in the health record of the
16 member.”.

17 (c) DEPLOYMENT ASSESSMENTS.—Section
18 1074f(b)(2) of title 10, United States Code, is amended
19 by adding at the end the following new subparagraph:

20 “(D) An assessment of whether the member
21 was—

22 (i) based or stationed at a military instal-
23 lation identified by the Department as a loca-
24 tion with a known or suspected release of
25 perfluoroalkyl substances or polyfluoroalkyl sub-

1 stances during the period in which the member
 2 was based or stationed at the military installa-
 3 tion; or

4 “(ii) exposed to such substances, including
 5 by assessing any information in the health
 6 record of the member.”.

7 **SEC. 4. PROVISION OF BLOOD TESTING FOR MEMBERS OF**
 8 **THE ARMED FORCES, FORMER MEMBERS OF**
 9 **THE ARMED FORCES, AND THEIR FAMILIES**
 10 **TO DETERMINE EXPOSURE TO**
 11 **PERFLUOROALKYL SUBSTANCES OR**
 12 **POLYFLUOROALKYL SUBSTANCES.**

13 (a) MEMBERS OF THE ARMED FORCES.—

14 (1) IN GENERAL.—If a covered evaluation of a
 15 member of the Armed Forces results in a positive
 16 determination of potential exposure to perfluoroalkyl
 17 substances or polyfluoroalkyl substances, the Sec-
 18 retary of Defense shall provide to that member, dur-
 19 ing that covered evaluation, blood testing to deter-
 20 mine and document potential exposure to such sub-
 21 stances.

22 (2) INCLUSION IN HEALTH RECORD.—The re-
 23 sults of blood testing of a member of the Armed
 24 Forces conducted under paragraph (1) shall be in-
 25 cluded in the health record of the member.

1 (b) FORMER MEMBERS OF THE ARMED FORCES AND
2 FAMILY MEMBERS.—The Secretary shall pay for blood
3 testing to determine and document potential exposure to
4 perfluoroalkyl substances or polyfluoroalkyl substances for
5 any covered individual, at the election of the individual,
6 either through the TRICARE program for individuals oth-
7 erwise eligible for such program or through the use of
8 vouchers to obtain such testing.

9 (c) DEFINITIONS.—In this section:

10 (1) COVERED EVALUATION.—The term “cov-
11 ered evaluation” means—

12 (A) a periodic health assessment conducted
13 in accordance with section 3(a);

14 (B) a separation history and physical ex-
15 amination conducted under section 1145(a)(5)
16 of title 10, United States Code, as amended by
17 section 3(b); and

18 (C) a deployment assessment conducted
19 under section 1074f(b)(2) of such title, as
20 amended by section 3(c).

21 (2) COVERED INDIVIDUAL.—The term “covered
22 individual” means a former member of the Armed
23 Forces or a family member of a member or former
24 member of the Armed Forces who lived at a location
25 (or the surrounding area of such a location) identi-

1 fied by the Department of Defense as a location
 2 with a known or suspected release of perfluoroalkyl
 3 substances or polyfluoroalkyl substances during the
 4 period in which the individual lived at that location
 5 (or surrounding area).

6 (3) **TRICARE PROGRAM.**—The term
 7 “TRICARE program” has the meaning given that
 8 term in section 1072(7) of title 10, United States
 9 Code.

10 **SEC. 5. DOCUMENTATION OF EXPOSURE TO**
 11 **PERFLUOROALKYL SUBSTANCES OR**
 12 **POLYFLUOROALKYL SUBSTANCES.**

13 (a) **SHARING OF INFORMATION.**—The Secretary of
 14 Defense and the Secretary of Veterans Affairs shall enter
 15 into a memorandum of understanding providing for the
 16 sharing by the Department of Defense with the Depart-
 17 ment of Veterans Affairs of the results of covered evalua-
 18 tions regarding the exposure by a member of the Armed
 19 Forces to perfluoroalkyl substances or polyfluoroalkyl sub-
 20 stances.

21 (b) **REGISTRY.**—

22 (1) **ESTABLISHMENT.**—The Secretary of De-
 23 fense shall establish a registry of members of the
 24 Armed Forces who have been exposed to, or are sus-

1 pected to have been exposed to, perfluoroalkyl sub-
2 stances or polyfluoroalkyl substances.

3 (2) INCLUSION IN REGISTRY.—The Secretary
4 shall include a member of the Armed Forces in the
5 registry established under paragraph (1) if a covered
6 evaluation of the member establishes that the mem-
7 ber—

8 (A) was based or stationed at a location
9 identified by the Department of Defense as a
10 location with a known or suspected release of
11 perfluoroalkyl substances or polyfluoroalkyl sub-
12 stances during the period in which the member
13 was based or stationed at the location; or

14 (B) was exposed to such substances.

15 (3) BLOOD TESTING.—The results of any blood
16 test conducted under section 4(a) shall be included
17 in the registry established under paragraph (1) for
18 any member of the Armed Forces included in the
19 registry.

20 (4) ELECTION.—A member of the Armed
21 Forces may elect not to be included in the registry
22 established under paragraph (1).

23 (c) PROVISION OF INFORMATION.—The Secretary of
24 Defense shall provide to a member of the Armed Forces
25 more information on perfluoroalkyl substances and

1 polyfluoroalkyl substances and the potential impact of ex-
2 posure to such substances if a covered evaluation of such
3 member establishes that the member—

4 (1) was based or stationed at a location identi-
5 fied by the Department of Defense as a location
6 with a known or suspected release of perfluoroalkyl
7 substances or polyfluoroalkyl substances during the
8 period in which the member was based or stationed
9 at the location; or

10 (2) was exposed to such substances.

11 (d) RULE OF CONSTRUCTION.—Nothing in this sec-
12 tion may be construed to preclude eligibility of a veteran
13 for benefits under the laws administered by the Secretary
14 of Veterans Affairs by reason of the exposure of the vet-
15 eran to perfluoroalkyl substances or polyfluoroalkyl sub-
16 stances not being recorded in a covered evaluation.

17 (e) COVERED EVALUATION DEFINED.—In this sec-
18 tion, the term “covered evaluation” means—

19 (1) a periodic health assessment conducted in
20 accordance with section 3(a);

21 (2) a separation history and physical examina-
22 tion conducted under section 1145(a)(5) of title 10,
23 United States Code, as amended by section 3(b);
24 and

1 (3) a deployment assessment conducted under
2 section 1074f(b)(2) of such title, as amended by sec-
3 tion 3(c).

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