

117TH CONGRESS
1ST SESSION

H. R. 4339

To direct the Secretary of Defense to publicly disclose the results of Department of Defense perfluoroalkyl or polyfluoroalkyl substances, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 1, 2021

Ms. SLOTKIN (for herself and Mr. TURNER) introduced the following bill;
which was referred to the Committee on Armed Services

A BILL

To direct the Secretary of Defense to publicly disclose the results of Department of Defense perfluoroalkyl or polyfluoroalkyl substances, 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 “Military PFAS Testing
5 Disclosure Act”.

1 **SEC. 2. PUBLIC DISCLOSURE OF RESULTS OF DEPARTMENT**
2 **OF DEFENSE TESTING FOR PERFLUOROAL-**
3 **KYL OR POLYFLUOROALKYL SUBSTANCES.**

4 (a) PUBLIC DISCLOSURE OF PFAS TESTING.—Upon
5 receipt of testing results, the Secretary of Defense shall
6 immediately publicly disclose the results of any testing for
7 perfluoroalkyl or polyfluoroalkyl substances (commonly re-
8 ferred to as “PFAS”) conducted on or at areas sur-
9 rounding military installations of the Department of De-
10 fense in the United States, formerly used defense sites,
11 and State-owned facilities of the National Guard includ-
12 ing—

13 (1) all such testing results conducted by the
14 Department of Defense; and

15 (2) all such testing results conducted by a non-
16 Department entity (including any Federal agency
17 and any public or private entity) under contract by
18 or pursuant to an agreement with the Department
19 of Defense.

20 (b) PUBLIC DISCLOSURE OF PLANNED PFAS TEST-
21 ING.—Not later than 60 days after the date of the enact-
22 ment of the Act, and every 90 days thereafter, the Sec-
23 retary of Defense shall disclose the expected timing and
24 location of any planned testing for perfluoroalkyl or
25 polyfluoroalkyl substances conducted on or at areas sur-
26 rounding military installations of the Department of De-

1 fense in the United States, formerly used defense sites,
2 or State-owned facilities of the National Guard includ-
3 ing—

4 (1) all such testing to be conducted by the De-
5 partment of Defense; and

6 (2) all such testing results to be conducted by
7 a non-Department entity (including any Federal
8 agency and any public or private entity) under con-
9 tract by or pursuant to an agreement with the De-
10 partment of Defense.

11 (c) NATURE OF DISCLOSURE.—The Secretary of De-
12 fense may satisfy the disclosure requirements under sub-
13 sections (a) and (b) by publishing the information,
14 datasets, and results relating to the testing referred to in
15 such subsection—

16 (1) on the publicly available website established
17 under section 331(b) of the National Defense Au-
18 thorization Act of 2020 (Public Law 116–92);

19 (2) on another publicly available website of the
20 Department of Defense; or

21 (3) in the Federal Register.

22 (d) REQUIREMENTS.—The information required to be
23 disclosed by the Secretary of Defense under subsections
24 (a) and (b) and published under subsection (c) shall—

1 (1) constitute a record for the purposes of
2 chapter 21, 29, 31, and 33 of title 44, United States
3 Code; and

4 (2) include any underlying datasets or addi-
5 tional information of interest to the public, as deter-
6 mined by the Secretary of Defense.

7 (e) LOCAL NOTIFICATION.—Prior to conducting any
8 testing for perfluoroalkyl or polyfluoroalkyl substances,
9 the Secretary of Defense shall provide notice in writing
10 to—

11 (1) the managers of the public water system
12 and the publicly owned treatment works serving the
13 areas located immediately adjacent to the military
14 installation where such testing is to occur;

15 (2) the municipal government serving the areas
16 located immediately adjacent to the military installa-
17 tion where such testing is to occur; and

18 (3) all Restoration Advisory Board members for
19 the military installation where such testing is to
20 occur.

21 (f) TESTING.—When testing for perfluoroalkyl or
22 polyfluoroalkyl substances, the Secretary of Defense shall
23 test for any perfluoroalkyl or polyfluoroalkyl substance for
24 which a method of measuring the amount of such sub-

1 stance in drinking water has been validated by the Admin-
2 istrator of the Environmental Protection Agency.

3 (g) DEFINITIONS.—In this section:

4 (1) The term “formerly used defense site”
5 means any site formerly used by the Department of
6 Defense or National Guard eligible for environ-
7 mental restoration by the Secretary of Defense fund-
8 ed under the “Environmental Restoration Account,
9 Formerly Used Defense Sites” account established
10 under section 2703(a)(5) of title 10, United States
11 Code.

12 (2) The term “military installation” has the
13 meaning given such term in section 2801(c)(4) of
14 title 10, United States Code.

15 (3) The term “perfluoroalkyl or polyfluoroalkyl
16 substance” means any man-made chemical with at
17 least one fully fluorinated carbon atom.

18 (4) The term “public water system” has the
19 meaning given such term under section 1401(4) of
20 the Safe Drinking Water Act (42 U.S.C. 300f(4)).

21 (5) The term “treatment works” has the mean-
22 ing given such term in section 212(2) of the Federal
23 Water Pollution Control Act (33 U.S.C. 1292(2)).

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